

Carl M. Gehee

MISSISSIPPI LAW JOURNAL



PROCEEDINGS

MISSISSIPPI STATE BAR

Forty-Fourth Annual Meeting

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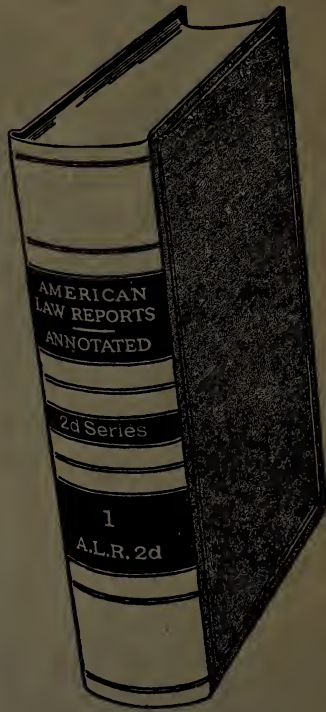
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LAW JOURNAL INDEX

The editors of the LAW JOURNAL, plan the publication next year of a comprehensive index to Volumes 1 through 20 of the JOURNAL. This index, most of which has already been compiled by members of the JOURNAL staff, will include a table of all cases commented on in the JOURNAL. Publication of the index has been approved by the University, and it is contemplated that the index will be ready for distribution in the early part of 1950.

In order to complete plans for publication, it is necessary to ascertain how many lawyers will be interested in purchasing a copy of the index.

It will be appreciated, therefore, if every lawyer who considers buying an Index will fill in the coupon below and send it to the Journal.

TO: MISSISSIPPI LAW JOURNAL

University, Mississippi

Please reserve for me a copy of the Index for Volumes 1 through 20, at a cost not to exceed three dollars (\$3.00).

NAME -----

ADDRESS -----

Mississippi Law Journal

JOURNAL OF THE MISSISSIPPI STATE BAR

VOL. XX

OCTOBER, 1949

No. 4

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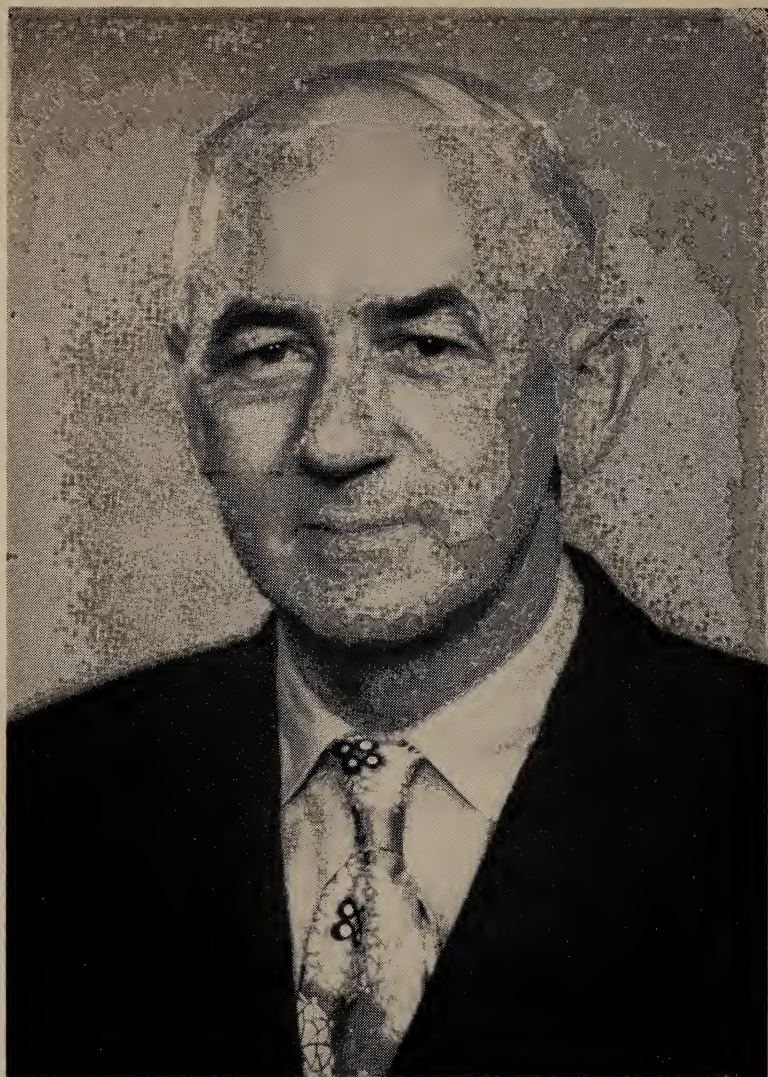
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PHIL STONE

Retiring President of Mississippi State Bar

IS THE LAW TO CONTINUE AS A LEARNED PROFESSION?*

Joseph A. McClain, Jr.†

I realize that it is quite fashionable these days to address all groups on some broad international topic, and that this problem has certain virtues. It is sufficiently broad and vague to avoid hurting anyone's feelings, and when such a discussion is finished, all can go home without too much worry because there isn't much that can be done about the situation, anyhow, at least not so long as Uncle Joe Stalin hangs around. Nevertheless, however attractive this course may be, I shall not choose it.

Tonight I want to talk about the legal profession, the organized bar, and some of the problems it has which I believe it should do something about. Some of the problems, as I view them, may not affect you in Mississippi as much as is the case in other parts of the country, but the bar as a whole is, in my opinion, affected and should be interested in our national picture.

We know that historically three ideas are involved in a profession. Roscoe Pound has listed these as: organization, learning, and a spirit of public service.

In recent years bar organization has been emphasized in the United States. We have many states now with incorporated, integrated bars, and all states, and most cities, have fairly effective voluntary bar organizations.

It seems to me, also, that within recent years the bar has been rather active and effective in pressing for measures designed to give us a more prompt, fair, and efficient administration of justice, however far from perfection we may be. Much work has been done in improving procedural law, both in the Federal and state courts, and this is fortunate, for it has been in the adjective field of law that the law has received its greatest criticism from the laity. Much more needs to be done, but clearly this activity is thoroughly in keeping with the sound purpose and function of an organized bar and the spirit of public service which should characterize us as a true profession.

Again, as Pound has emphasized, a true profession is a learned profession. An unlearned profession is a contradiction in terms. Learning—the pursuit of a learning—is one of the elements which distinguishes a profession from a calling or vocation or occupation. Certainly you can have an airtight, dynamic organization without having a profession. Unions do very well in this regard.

The characteristic of our profession which I wish to pay particular attention to tonight is that of learning. Learning in a profession must clearly be adequate to the times and conditions with which it deals. Obviously, Daniel Webster, Abraham Lincoln, Rufus Choate, or any other great lawyer of the last century would find himself at a loss if transported into our practice today.

*Address delivered at the Annual Banquet of the Mississippi State Bar, at Biloxi, Mississippi, on Friday evening, June 3, 1949.

†General Counsel, Wabash Railroad, St. Louis, Mo. Former Dean of Mercer University School of Law, University of Louisville School of Law and Washington University School of Law.

The late Silas Strawn expressed this thought exceedingly well in 1944:

We are living in a bewildering age. Every day, problems, political, social and economic, domestic and foreign, become more and more complex. To meet the present and anticipate the future, whatever our profession or occupation may be, we need more preparation and more understanding than ever before.

Never before in our history has there been a time when a lawyer needed a higher sense of his civic duty, a greater realization of his obligations as a citizen, a more thorough understanding and appreciation of the fundamental principles of our government, and a keener perception of the difference between right and wrong. He must be more familiar with the general principles applicable to the business of his client than is the client himself. He must bring to the solution of the problems with which he daily is confronted a broad, general knowledge of what is going on in business, economics, politics and finance, not only in his own country but throughout the world.

The question naturally arises: How well are we doing in insuring that those who enter and continue in our profession possess the requisite learning and capacity to discharge their responsibilities, both as neophytes and as full-fledged members of our profession? How much of the criticism of, and dissatisfaction with, lawyers that we hear voiced from time to time is directly attributable to our failure to insist upon the requisite mental and moral qualities of those who enter and remain in our profession?

Now this is a great day for surveys in the legal profession. A most ambitious one is being jointly conducted by the American Bar Association and the Carnegie Corporation, designed to cover both legal education and the legal profession. Its results, we hope, will be most comprehensive and definitive and productive of far-reaching beneficial effects. But, unfortunately, the completion of this study is some time away.

I am on a board presently engaged in a survey for the California State Bar of its law schools and its system of bar admissions. Such survey is, of course, of regional interest, except insofar as it may develop problems and conditions common to other states. Already, however, some of the conditions which I have observed in California have caused me to ponder what the future of the bar is to be in the next ten to fifteen years. For example, we find enrolled in that state between 5000 and 6000 law students in 15 different law schools, and the total active bar cannot be in excess of 13,000.

We are still in, or just emerging from, a rather lush period for everyone, and it is difficult, perhaps, to think about unpleasant economic conditions which may face everyone, and particularly the bar, in the next few years.

Surely we can recall the tragic situation which obtained, particularly in the larger cities, during the late 1920's and early 1930's as a result of overcrowding the bar. Such overcrowding was due in large part to the admission of persons who were wholly unfitted for the practice of law. The

result was that a great number of lawyers were in economic want, and the ethical standards of the profession suffered. Public esteem for the profession fell to an all-time low mark. Many lawyers who suffered in this period were veterans of World War I. It seems to me that there is much evidence that we may soon have a repetition of this unfortunate experience.

Lawyers are coming to the bar in numbers never before equalled in the history of our country. Today, even our better law schools are faced with a serious problem in attempting to provide adequate educational facilities for the great numbers of law students which they have enrolled. This unprecedented enrollment comes at a time when law faculties have been seriously depleted by reason of deaths and retirement of faculty members during the war period, when no additional recruits for the teaching profession were being produced.

I am convinced that even in our standard law schools the quality of education is suffering today because of these conditions. Thus, even in the best of circumstances, we must anticipate that we shall have with us for several years to come a real problem as to how to absorb large numbers, and perhaps an oversupply, of lawyers into the profession without serious adverse effects to the profession and the public. This problem has already become of real importance in my region, and will increasingly become more acute there and elsewhere, in the immediate future. Certainly it behooves us to give serious consideration to all legitimate and proper methods to insure that those who enter the profession are fundamentally trained to assume its constantly increasing responsibilities.

In my opinion, the bar was unable to secure, or at least it did not succeed in securing, the adoption of any reasonable standards of legal education for veterans of the late war before educational benefits would be available to veterans. The United States Government has been paying in some states for correspondence courses, in lieu of law school education, for many G.I.'s. In addition, it has permitted law schools of inferior quality to reap enormous tuition benefits by becoming eligible to accept veterans under the G.I. program. This has constituted a scandalous waste of the public monies and is perpetrating what I believe to be a cruel fraud on the veterans of this war.

No one could be a stronger supporter than I for adequate educational advantages for our veterans. But I believe that our profession has failed significantly in not insisting upon and securing safeguards for the veterans and the public that would insure proper minimum standards of legal training. As a consequence of this failure, veterans have suffered, and will continue to suffer, because of being ill-prepared for the practice of law, and the public has been mulcted of substantial sums of money. Moreover, many veterans, the public, and the profession will suffer in years to come by reason of this inadequate training which has been given at public expense to enrich the pockets of persons seeking profit under the G. I. educational program.

In my opinion, there was no reasonable excuse for this situation developing. The period from 1921-1941 witnessed a long and arduous struggle to establish minimum educational standards for admission to the bar in the various states. By 1941, over 40 states had adopted, by statute or court rule, substantially the standards recommended by the American

Bar Association in 1921 under the leadership of Elihu Root, who made at that time a compelling case for the necessity of such minimum standard as an essential means of giving the public and the profession protection against inadequately prepared lawyers. The standards call for two years of college training or its equivalent; graduation from an approved school offering a three year course of full-time study or a four year course of part-time study; and passage of a state bar examination.

By 1941 all but seven or eight states had adopted these standards in substance. My native state of Georgia and your state of Mississippi, I regret to say, were among the holdouts, and remain so today. Thus, a pattern had been very clearly laid as to what was recognized as a basic, necessary training for a lawyer. And let me emphasize the minimal character of these standards; they represent the bare floor, and by no means the ceiling, of desirable requirements for professional responsibility.

It would have been the simplest and most sensible procedure for the government to condition G.I. educational benefits upon attendance at a law school complying with American Bar Association standards. But this was not done, and no really serious, all-out effort was made to get the government to do so.

Today it is estimated that there are approximately 175,000 to 200,000 lawyers in the United States. Recent statistics indicate there are approximately 57,000 students enrolled in our law schools. Of these students, the over-whelming majority are veterans attending law school under the G.I. educational program.

It is interesting to note that we have over half as many students attending unapproved law schools in America as there are lawyers in England. A recent estimate of the English Bar indicated that there were approximately 500 barristers actively practicing, and that of the solicitors, there were probably not more than 14,000 or 15,000. This gives a total bar in England of approximately 16,000 serving a population of 40,000,000 people. The state of California alone has 13,000 members of its bar, with over 5000 law students enrolled in its 15 schools.

When I see the United States' figures, I recall what a California law school official told me recently. He said his school wanted to expand its curriculum, and he wanted to add the subject of bankruptcy, because he was convinced it was "a coming course."

Also, I can't forget two other true stories that are apropos.

When I first went to St. Louis, our university janitors and maintenance forces were having some wage difficulties. My janitor, of whom I was very fond, informed me he and his co-workers were about to unionize. I asked him if he had 100 per cent of the employees with him. His reply was: "My, yes, we have way over 100 per cent." So it seems to me we are about to have "way over 100 per cent" of lawyers.

The corollary story is set in Macon, Georgia, during the depression. We had received several cuts at Mercer University, and then came the grand finale when all faculty people were called over to receive the bad news. An additional 10 per cent cut from top to bottom was announced with elaborate explanations of its necessity. As two of us walked across

the campus we ran into old George, the colored janitor. We stopped him and told him another cut had been declared. He asked: "Lord, God, Boss, how much?" I replied: "10 per cent from top to bottom." He expressed great astonishment and said: "Lord, God, Boss, I ain't making 10 per cent now." This may be our state when we get "way over 100 per cent" of lawyers.

Today veterans and others who are graduates of our very best law schools are having extreme difficulty in finding practice opportunities. What of those who have been permitted to spend their time and the public money in inferior law schools? Have we done them a service or disservice to permit this condition to develop, not to speak of the public and profession's interest? Is it enough to say that economic competition, the survival of the fittest, should be the answer in our profession—one of the truly learned professions?

In analyzing a list of the unapproved law schools now existing, I was struck by the fact that almost half are located in the South. There is a total of 55 such schools; that is, those not complying with American Bar Association standards. I should add, however, that whatever these schools lack in quality some of them make up by using freely and shamelessly such illustrious names as John Marshall, Abraham Lincoln, and Woodrow Wilson.

Of these 55 unapproved schools, 27 are in the South. My home state, Georgia, I regret to admit, is the possessor of quintuplets. Mississippi is much better off, having sired only a single one. We may not have a full quota of the nation's assets in our Southland, but we certainly have an abundance of unapproved law schools.

Moreover, while 42 states have rules requiring at least the equivalent of two years of college, and specified law school study (usually three years or more) to qualify for bar exams, five of the six having no such standards are in the South, namely: Georgia, South Carolina, Arkansas, Louisiana, and Mississippi.

The typical argument against establishing reasonable educational standards for the legal profession has appeared under different names. At times it is the "poor boy" argument, at others the "Abraham Lincoln" argument, and at other times it assumes the more general form of the "democratic complex."

The argument runs to the effect that educational requirements would have shut out Abraham Lincoln, would bar the door of legal opportunity to the poor boy, and is in general undemocratic as favoring the few.

These arguments may have had some semblance of logic years ago, but they certainly have no basis for existence today. In the first place, this country has developed junior colleges in most sections so that one exists almost within a stone's throw of any boy or girl desiring to get a general education, that is, two years of college beyond high school. Moreover, colleges and universities, both private and state, have scholarships and other aids to assist the boy or girl with character and ability who really wants an education and who lacks the financial means. There is no longer a real excuse for the average boy or girl with ability failing to obtain two years of college training.

It seems curious to hear these arguments urged against bar standards when practically all other professions, and even vocations, are controlled by rigid requirements. Is there any profession in which the interests of society should be more carefully weighed against the individual's right to a livelihood than in the profession of law?

Quite aside from educational requirements, how much of an earnest effort do we make to ascertain character and fitness before granting admission to the bar? The process of disbarment, once admission has been granted, is like trying to "lock the barn after the horse is stolen." It is not a practical way to eliminate misfits from the profession, and it is much more practical to stop them at the threshold.

Moreover, all of you agree, I am sure, that law school training does not, and cannot, fully prepare for immediate practice. Yet with the exceptions of a few states, the organized bar has failed to take steps to bridge the gap between professional school and qualification for practice. The medical profession bridges this gap reasonably well. The legal profession does not even attempt to do so.

Only six states, Delaware, New Jersey, New Mexico, Pennsylvania, Rhode Island, and Vermont, have requirements calling for clerkship in a law office, either as a condition precedent to standing bar exams, or to being accredited as a lawyer.

Few young lawyers have the capacity of the one Judge Bolitha J. Laws tells about who appeared before a loquacious judge who wouldn't let the young man have any opportunity to present his case. After being repeatedly crushed each time he tried to get to his feet, he finally got the attention of the judge and asked him: "Your Honor, may I say just a word?" He said: "Your Honor, I have been admitted to the bar only five months. My cases mean a great deal to me, especially this one. Now, please, for God's sake, don't lose it."

It is true that perfection cannot be attained in devising means for testing character and fitness of bar applicants. Likewise, it is difficult to establish apprenticeship plans for the young lawyer. Some few states have done it, however, and with fair success. But, if our profession is to maintain—perhaps you might say regain—its rightful place in society, and be true to its tradition of a learned profession and art, it must make certain that those entering should be fully qualified to accept the responsibilities of the profession.

In this connection, it is important to observe the disparity in the methods and standards by which a final test is made through bar examinations to determine whether one should be admitted to the practice of law. From 1931 through 1949 an estimated 280,000 applicants will have taken bar examinations, an average of 14,000 applicants per year. This average taking the bar examinations will run closer to 17,000 examinees.

As would be expected, the boards administering these examinations differ greatly in size and capacity, and in some states they receive no compensation whatsoever for their services; in others only travelling expenses; and in 13 states are compensated on an annual basis, averaging from \$100 to \$10,300. In more than half the states, the boards have no administrative assistants, either on a part-time basis, or full time basis.

In many of our states, the bar examination questions and their grading must be done on a part-time basis by busy lawyers who receive no compensation, or at least insignificant compensation, for their services. The preparing and grading of examination questions is an art in itself, and it is no criticism of any good lawyer who must attempt to perform this service on a part-time, uncompensated basis, to say that he is not competent to do as good a job as should be done. The truth is, it is unfair to expect a competent lawyer to devote his time on a non-compensatory basis in assuming the responsibility for determining who should come to the bar.

In terms of total expenditure per year for bar examination purposes, California leads with approximately \$89,000, and New York, Pennsylvania, and Michigan follow with between \$50,000 and \$60,000 each per year. The average annual expenditure per state for all the states reporting is approximately \$9,000. This means that an average of almost a half million dollars per year is now spent in all our jurisdictions for the purpose of examining applicants for the bar. Even with this expenditure it is obvious that very uneven standards for determining admission to the bar prevail, and it would seem that a much more practical and sensible system could be used for the nation as a whole, with considerable saving in expenditure.

There is no reason why the law profession could not, as has the medical profession, provide a national-standard examination, prepared and graded by persons who are expert in the field. Such a system will insure the same yardstick being used against each applicant, whether he be in California, Massachusetts, or Texas. Certainly we have enough of a common basis in our system of jurisprudence to enable us to devise a sound, workable national examination for determining the fitness of applicants to enter the profession.

Let us now turn to another phase of professional life: What after admission to practice? Do we ever learn again except through the bitter school of experience? The need for education and training does not stop when admission to the bar is gained. All too often, however, effective and practical educational opportunities stop with law school. Too much reliance is placed upon the hard and wasteful school of experience alone. Most lawyers try to keep up with the fields in which they specialize or in which their clients are especially interested. This is no easy task, and could easily require the entire time of an attorney, leaving no time for practice.

Professions other than law long ago learned that it was necessary to keep their members abreast of the times. The medical profession has been particularly outstanding in this respect, and by periodic clinics have done much to bring its members up-to-date on new developments. The legal profession, until recent years, apparently proceeded on the theory "once a lawyer, always a lawyer," and no further training or education was deemed to be necessary. No greater fallacy could possibly be indulged. We all know that within a period of a few years entirely new departments of law develop, such as administrative law and labor law, while some of the older ones, such as taxation, change almost annually.

The very mass of published material which pours forth each year defeats its own end. The greatest lack is the absence of material designed to enable a busy lawyer to learn his way around in the practical aspects of

new or changing fields of law. The educational process is normally a group process. This is just as true of post-admission education as of classes in law school, but group education activity, whether in the form of lectures or conferences or clinics, does not organize itself.

During the past few years there has been an increasing interest on the part of the bar in various programs sponsored by state and local bar associations, and by law schools, for the provision of lecture courses in various key centers of the country. There was a great deal of activity along this line in the years just before the war, and the refresher courses provided for the 40,000 lawyers who served in the armed services gave considerable impetus to the general movement for continuing legal education.

To meet this important need, the Section of Legal Education and Admissions to the Bar of the American Bar Association, during my chairmanship of such section, was instrumental in getting the association and the American Law Institute to form a joint committee on continuing legal education for members of the bar. Such committee is actively working and has secured substantial financial assistance for its program from the Carnegie Corporation.

It is believed that it is essential to the successful operation of the program of continuing education of the bar that it be centrally coordinated. It is true that state or local legal organizations may, in some cases, benefit by being locally financed or administered. Nevertheless, a measure of central supervision and assistance should be available on a national basis.

How the program can best be carried out will depend upon the circumstances. In some instances the bar association will run the show; in others, it may be a law school.

Certain aspects of a national program of post-admission legal education can best be conducted on a wholly national basis. A general publication program is one such aspect. It would be uneconomical and wasteful for a number of state and local bar associations to undertake overlapping publications.

The American Law Institute, which has performed much valuable work in attempting to re-state our common law, has adopted as one of its major functions the offering of a program of continuing legal education to the lawyers of the nation. If it receives, as it should, the cooperation of state and local bars in this important undertaking, it may yet prove to be that such a program will have been the most constructive and productive work the institute has performed for the bench and the bar in America. Certainly it deserves your support in this effort to render practical and needed assistance to the members of our profession.

May we now return to the original thought that the law is a true profession, which means that it must be a learned profession. On the bar organization side we have made great progress in this country. We have also made a creditable record in the field of public service, which should be expected from a true profession. We can and should do more in this area by constantly improving the law and its administration.

Our ability, however, to continue and be recognized as one of the greatest professions must ultimately depend upon the caliber and the learn-

ing of our members. It is true that in most states we have made substantial progress during the past 25 years in raising the standards for admission to the bar. However, we must remember that these standards are at best bare minimum standards, and notwithstanding this they have not been accepted in all jurisdictions and even today we have over 10,000 law students enrolled in unapproved schools which do not require these standards for admission.

It is perfectly obvious that the increasing perplexity of our society demands more and better education and training for the lawyer. The quality of the bar is directly dependent upon the source of supply, which is today the law schools of the country. It is therefore imperative that the bar should take the greatest possible interest in strengthening and improving our law schools.

If the late war has taught us any lessons, one of these certainly should be that only by creating a sound national and international legal order, founded upon principles of justice and equity, can civilization hope to survive and go forward. A legal system can rise no higher than the standards and ideals of the members of the legal profession whose special duty it is to assist in improving the system and maintaining its standards.

It is therefore of prime importance, not only to our profession, but for the public as well, that we have as a profession the highest possible standards and ideals that are practicable, as a means of insuring that those who enter and remain in our ranks be men of the broadest training and culture, helping to shape the law to meet the demands of a changing society.

PROCEEDINGS OF THE FORTY-FOURTH ANNUAL
MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on

the 3rd and 4th of June, 1949

The convention was called to order at 9:30 A.M., June 3, 1949, by Honorable Phil Stone, of Oxford, President of the Mississippi State Bar.

The invocation was delivered by Dr. E. A. DeMiller, Rector of the Church of the Redeemer of Biloxi.

An address of welcome on behalf of the Harrison County Bar was delivered by Mr. Jacob Guice, of Biloxi, President of the Harrison County Bar. The response on behalf of the Mississippi State Bar was delivered by Mr. Semmes Lockett, of Clarksdale.

The next item on the program was the President's Annual Address.

LET US TURN TO LIBERALISM

Phil Stone

It is required of your president on this occasion to make an annual address.

I have selected for discussion the decision of the Supreme Court of the United States in the case of *United States v. California*, decided in 1947, and reported in 332 U. S. at page 19, and in 91 L.Ed. at page 1889.

Really, I confess that I have selected this case mainly as a point of departure, as a warning of a growing insidious trend.

As most of you know, the contention of the Federal Government in that case was that the United States was the owner of the fee in, or possessed of paramount rights in, land, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low water mark on the coast of California and outside of the inland waters of the state, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of California.

The defenses interposed by the State of California were as follows:

1. That a belt extending three English miles from the low water mark lies within the original boundaries of the state.
2. That the original thirteen states acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas and that, since California was admitted as a state on an equal footing with the original states, California at that time became vested with title to all such lands.
3. That California had title to such lands by prescription.

4. That California had title because of the long existing policy of the Congress in acquiescing in California's asserted ownership.

5. That California had title because of estoppel or laches.

6. That California had title by application of the rule of *res judicata*.

The basis of the decision of the majority of the Supreme Court were as follows :

1. That the contention of California that the pleadings presented no case or controversy under Article 3, Section 2, of the Constitution, but only a difference of opinion between Federal and state officials, was unsound.

2. That the attorney general had authority to institute and maintain the suit in the absence of Congressional enactment to the contrary.

3. That California was not the owner of the three-mile marginal belt along its coast and that the Federal Government, rather than the state, had paramount rights in such belt, an incident to which is full dominion over the resources of the soil under that water area.

4. That the Federal Government had not lost such paramount rights by failure to assert them sooner.

My main objection to this decision of the Supreme Court of the United States is not merely that, to me, it seems in fact, to violate sound, established and ancient legal truisms. As Mr. Justice Frankfurter incisively asked in his dissenting opinion, how and when did the United States get title to this area?

Nor is my main objection to this decision based upon the fact that the result of this decision, if such decision is allowed to stand, will be to occasion great monetary loss to the State of Mississippi.

My principal objection is that the decision seems to be one more of a great and growing group, one more of the many decisions, one more of the many executive and administrative orders, one more of the several acts of Congress, that have for many years driven political and economic power more and more tightly into centralization in the Federal Government. It seems to me that such a policy, unless completely reversed, is bound to lead us away from democratic capitalism, is bound finally to submerge us in complete socialism, resulting at last in every liberty of the individual being put completely at the mercy of the all-powerful centralized state.

Socialism: The word has been so bandied about that it no longer shocks us. It no longer offends us. We have forgotten what it means. We have forgotten that it means governmental ownership of the essential means of production and distribution; that the communism we now decry is only an extreme form of the socialism whose dangers we now have forgotten because socialism is before us, behind us, all about us. It has become our familiar, and its dangers are forgotten.

We have forgotten that the trend of revolution is always to the left; that we have moved so far in that very direction that conditions which would have shocked our fathers are now our commonplaces. The camel long ago insinuated his head into our tent. Let us beware; he will completely usurp us.

What is that camel? It is the complete loss of ourselves to the state. We give our lives away—a sordid boon. We give them away a little at a time; we pay our taxes to the government and they *give* us, they say, cotton subsidies. They *give* us, they say, potato subsidies, too, and we can see the danger in that. We pay our taxes, and they *give* us other subsidies and flood control. They *give* us—with our money—tariff subsidies, and we can see the danger in that. They hire our friends with our money; they use the friends of six others, too, to do the work one could do more efficiently. We can see the danger in that.

Then, with our money incidentally, money which represents a part of our very lives, they erect bureaus which make rules they cannot themselves understand, and they tell us that we break those rules at our peril; that when we break them we shall not be tried by a jury of our peers, but by the men who set up the rules, and whose continued power, whose very survival, depend on proving that they are right. I need not take time to recount examples; every lawyer here can quote a dozen.

They fix our prices; they tell us how we can run our business; they weigh the scales against individual initiative. By Federal decision we have been told whom we shall have for neighbor. And now by Federal mandate we are going to be told whom we shall invite to dinner. Sometimes I think we are getting too many overprivileged underprivileged. We are being now offered a farm bill which will guarantee profits to the farmer and will at the same time lower prices to the consumer. Truly the millennium has arrived.

Our faceless, nameless bureaucrats are thrusting us from our tent. Now let us not deceive ourselves; our bureaucrats are not confined to a single political party. They are to be found, tragically enough, everywhere, in all parties.

Now why? Why are they to be found everywhere? Why are they in all parties? They are to be found flourishing everywhere because we, persons like us who sit here today, have been deluded by the fast and loose playing with words and ideas in which those flourishing bureaucrats have a vested interest.

It is all being done, they say, in the high and holy name of liberalism. It is liberalism, they say, to deny completely the rights of majorities for the rights of a few arrogant and clamorous minorities. It is liberalism, so the patter goes, for a few minds to direct policies for a vast and polyglot country such as ours. Why should not a few minds direct it successfully? The pyramid has not stood upon its base; therefore, it must be made to stand upon its apex. Many minds have not been able to make a success, they say, of an inconceivably complex civilization. Democratic capitalism as we know it, they say, will no longer work. (And they are busy making sure that it is not going to be allowed to work.) Therefore a few minds can and should and must make it work—and the few minds must have unlimited power. That, they say, is liberalism. It is liberalism to hamstring individual effort, to bleed a nation so that its benign government can save it by blood transfusions; it is liberalism for the lives of its citizens to be absorbed by the state. Thereby are its citizens saved; thereby they are to have security. Ah, security, security! How many crimes are committed in thy name! All history shows that when we barter liberty for security we lose, in the end, both liberty and security.

That liberalism should have come to mean, without our ever seeing it or knowing it, the concentration of power in a few hands! That from the bankrupt and envious states of Europe should have come to us the poison which is bringing us to their conditions and under the label of liberalism! That we should have forgotten that all power corrupts, that absolute power corrupts absolutely, whether that power is held by labor or by capital, by majorities which tomorrow may become minorities, by bureaucrats or soldiers or priests or philosophers! Abraham Lincoln said, long before autocracy in the name of liberalism was dreamed of in this country, that no man is good enough, wise enough, just enough to have much power over other men. That was the great vice in the institution of human slavery.

If socialism, statism, is what the people of the United States want, then let them have socialism—but not socialism masked like the Ku-Klux Klan in dirty nightshirts but called sparkling white raiment.

Is socialism indeed liberalism? It is the very antithesis, the denial itself. Let us turn then, to the true liberalism, to those ideals which are so universally admired and coveted that even its mortal enemy, statism, has violated it and has stolen its words for its own devious aims.

The basis of liberalism, like the basis of Christianity, is always the individual, not the individual as a member of some particular group. Liberalism knows, as Jesus Christ knew, that we must save our souls, even our political and economic souls, from the inside, and not expect to have them saved from the outside. Liberalism holds that no man should ever be the slave of his employer, nor of his labor union, nor even of his government; but that they, his employer, his labor union, even his government, especially his government, should ever remain the servants of him, the individual.

The essence of liberalism is the distrust of power, of the very sort of power exercised and striven for by those who scream of liberalism. Liberalism has always an alert distrust of all forms of government, because government tends always to be more and more a concentration of power in a few men over the lives and liberties of many men.

Liberalism does not prate of the general good even while it is depriving its converts of what we have come to consider their rights and the rights of others. It does not hoodwink its victims with delusions of ease without work, security without enterprise, of the millennium out of greed and passion for power.

Consider then, those who believe in the true liberalism—what do they believe?

They believe, first, in the inherent worth and dignity of every one of God's children; second, that the government exists for its citizens, not its citizens for their government; third, that it is equal opportunity which is to be fought for, not a spurious security. They believe that government should exist for the purpose of insuring greater individual equality of opportunity, not for a yammering about an expensively bought security which is at best meager and shabby, and which hamstringing opportunity and then leaps upon its jugular vein. The true liberal believes that in order to achieve a greater equality of opportunity, government must announce prin-

ciples and abide by them; not formulate opportunistic rules and orders to fit a given situation, under the fatuous delusion that such rules and orders will fit all circumstances. The true liberal believes in government by principle, by law; not by fiat or by personal whim.

He believes that security, even meager, shabby security handed out by a government which took our money in order to give it back to us, is inevitably paid for with the precious coin of liberty. He believes that liberty is more precious than security. True liberals had rather worry about a dollar coming to their door than agonize about bayonets coming in the night. Make no mistake, that is our choice and we must make it now or later. Throughout recorded time, a government providing bread and circuses has always finally been supported by knives. In our own day, we have seen governments all over the world promise to support their citizens, and end only after they supported themselves at the cost of their citizens' money, their citizens' efforts, their citizens' liberties, their citizens' lives. That is not what true liberals believe in. True liberals will fight to forbid it in our own fair land. But they must fight now before it is too late.

Liberals believe that such a state composed of such slaves can never support such economic standards as we in the United States have come to take for granted. Slaves have never provided markets. They never will. Even though we in this country have wavered from the freedom we inherited and have faltered toward the slavery of Europe, we have as yet more freedom than the people of any other nation. Is it then, an accident that we in the United States have the highest standard of living in the world? Was it socialism, with red tape and red bayonets, that produced the assembly line? Was it by bureaucrats that the airplane was conceived? The skyscraper? The diesel engine? Even the atomic bomb? Have bureaucrats ever done more than lay a dead hand upon what free men have conceived? Bureaucrats can only corral free men, even to produce atom-splitting; then so shackle them that they can no longer produce. Liberals believe that only men free of the restraining hand of specific and inevitably confusing rules can produce an economically dynamic society. They believe that men to be free must live on the basis of clearly enunciated and clearly understood principles of law. They believe that only so can this country or any other be prosperous.

The machine has given access to wordly goods to all men. Only production and the resulting velocity of interchange can actually put those goods in the hands of all men. Men can produce and will produce only when they can operate in a maximum foreknowledge of what consequences will follow upon their actions. Only men who can expect to enjoy the fruits of their labor will produce, whether those fruits are to be wages or profits. Socialism can change the form of a government but it has never yet been able to change human nature.

If we are convinced that the people of the United States do not want bureaucracy and socialism, but that they are being misled by false words, what can we actually do about it?

We can refrain from mere fault-finding. If we are not to be merely old men trembling beside the wall and crying that the world has gone to the dogs, we must realize what we do espouse; we must become articulate about it; we must have for our beliefs a passion which will match the

passion of those who cry for security. If government in the United States is becoming more and more centralized, it is because, as Justice Julian Alexander has said, the Federal Government is rushing in upon the vacuum of local governments which no longer function. It is our duty, if we will save our country, to save it at home. It is the peculiar duty of lawyers to fight against the clamoring of ourselves and of our neighbors for more money from Washington. It is stupid of us not to see that if Washington doles it out, Washington will say how it will be spent. It is stupid of us not to see that bureaucratic use of money is not only flagrantly wasteful use of money but of rights. We must fight the clamor for Federal money not only by other sections of the country, but by our own. It is still true that he who pays the fiddler calls the tune.

Just as in England when business failed in its responsibility to its public, and socialism roared in upon the cleated boots of indignation, so in our own country, we have indolently sprawled supine while money was wasted by our own people, and education languished, and roads were quagmires, and individual rights denied.

Liberals are not apologetic about liberalism. They are proud of believing in the potentialities of the individual. They know that this is the alternative to force, and liberals do not believe that force has ever accomplished much of anything except for the moment. They believe that liberalism is not only dynamic, but is decent and kindly, and they scorn the use of the bayonet as not only stupid but ineffectual except for the moment. They know that ideas are the most potent, the most unconquerable force in the world.

They know that the large idea is harder to conceive than the specific. They know that true liberalism is a larger idea than statism. They know that it is a flexible idea; it must be flexible, for in it is contained the admonition to do unto others as you would have them do unto you; that such admonition is stern economic necessity apart from being good ethics; they know that it is a whole way of life which consists in fair play, in the rules being laid down before the game begins.

These ideas are not moonshine. Insofar as we have followed them, they have made America great; insofar as we have shrunk from them, we have failed. Insofar as we attempt to perpetuate them, we shall save our country and the world. If we continue to shrug our shoulders at the so-called "wave of the future" and let it wash over our heads, then we too shall be doomed.

It is not enough to espouse the program of liberalism. We must attack and not defend. If we do this, we can turn the tide in favor of individual liberty. We can prevent the individual from being a nameless cipher in one of a myriad of groups. We can save liberty if we choose.

To this task, then, let us lift up our minds. To this task let us lift up our minds and voices. To this task let us lift up not only our minds and our voices; let us lift up our hearts, our fighting hearts.

Liberalism is no milk and water doctrine. Liberalism is a fighting word. All through history it has been a crusading word. True, it thrives best in an atmosphere of calm reason, of smiling tolerance. But it has its proper appeal to the emotions; not to the emotions of greed, of intolerance,

of cruelty, of hate, but to that spark which ever lifts the face of man toward the stars, to that tiny essence of God that is resident in every human being.

Following his address, President Stone introduced Mr. Jerome Hafter, of Greenville. Mr. Hafter introduced Mr. Reece Bickerstaff, of Gulfport, who, after responding to the introduction, made the following address:

THE LAWYER AS A LAWMAKER

Reece Bickerstaff

Before talking about the enactment of legislation in the legislature, we might go back for a moment and think about the things that lead up to the introduction and passage of legislation. As we all know, during the course of human events in a democracy like this, every four years every legislator has to be elected or re-elected to office unless, as has been said about me, he might be elected without opposition, although sometimes you are elected without an opponent but still have opposition.

In these elections there are hundreds of candidates for office who never get elected, but most of those who do get elected are elected because they can promise to do more for the people than the other candidate. When they arrive in Jackson the first official act is to take the oath of office and they must do this before entering upon the discharge of their official duties. That oath is set out in Section Forty of the Mississippi Constitution and it reads as follows:

I _____ do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and of the State of Mississippi; that I am not disqualified from holding office by the Constitution of this state; that I will faithfully discharge my duties as a legislator; that I will, as soon as practicable hereafter, carefully read (or have read to me) the Constitution of this state, and will endeavor to note, and as a legislator to execute, all the requirements thereof imposed on the legislature; and I will not vote for any measure or person because of a promise of any other member of this legislature to vote for any measure or person, or as a means of influencing him or them to do so. So help me God.

After taking that oath and after reading the provisions of the constitution, many members of the legislature realize they cannot keep all of their campaign promises regardless of how sincere they were when they made them. They realize that many of their promises violate the provisions of the constitution.

You will agree, I am sure, that the lawyer as a lawmaker is better prepared to determine whether or not a bill considered violates the provisions of the constitution than are laymen for the reason they are specially trained in the law and they are called on daily to pass on such questions in the practice of their profession. I hope that my close personal friends in the legislature, who are not members of the bar, will realize that I would

not under any conditions minimize the outstanding work done by the lay members with whom I have served. Some of the strongest men we have had during the fourteen years I have been in the legislature have not been members of the bar. However, I think it's fair to say that, as a class, the members of the legal profession have by far wielded the greatest influence in the passage of good legislation, and likewise have been most influential in preventing the passage of bad legislation.

As a result of the harmonious cooperation between the membership, there are usually 75 to 80 per cent of the bills introduced in the legislature that never become law. As I remember, at the last session of the legislature there were approximately 2,000 bills introduced and about 485 were passed and enacted into law.

I remember on one occasion a bill had been introduced in the legislature, referred to a committee, considered by the committee, reported by the committee, titled "Considered to Pass", placed on the calendar for consideration by the house, read by the clerk, and the chairman of the committee handling that legislation began a discussion of the merits of the bill. The man who is now speaker of the house arose and got recognition. He said that, "I have just picked this bill up and I have only had time to read two sections of the bill and I don't think that this house should consider the passage of this bill for the reason that these two sections which I have just read violate the provisions of the constitution in five different places," and he proceeded to explain to the legislature the five unconstitutional provisions of those two sections of the bill. Of course that man is a lawyer and one of the most distinguished members of the Mississippi bar. He suggested that the bill should be indefinitely postponed, but the chairman of the committee asked unanimous consent that it be recommitted to the committee for further study. Unanimous consent was given and the bill was recommitted where it drifted off into a state of repose and there it rested until after the legislature had adjourned.

The time was not too many years ago when the general public was not affected too much by what the legislature did or did not do. However, in our complex society, occasioned by the machine age in which we live, every citizen from every section of this great state is vitally affected by the actions of the legislature.

The time was, even during the lifetime of some of these here assembled, when all that was required for one to teach school in some sections of the state was for them to be able to pass the county teachers' examination and build a schoolhouse with one door and six windows. This condition existed less than a half century ago in many sections of Mississippi. As a result, Mississippi had the highest percentage of illiterates of any state in the nation. Today, that condition does not exist in any section of the state. Great progress has been made in education in Mississippi during the past few years, and if our friends from above the border will keep their noses out of our business, we will continue to progress educationally.

It might be interesting to mention the fact that in 1936, the biennial appropriation made by the state for the common schools was a little above \$7,000,000.

In 1948, twelve years later, the biennial appropriation for common schools was \$35,000,000, almost 500 per cent increase. It is also true that

in our institutions of higher learning, the appropriations for the support of those institutions have been increased proportionately to the increase in appropriations for our common schools, and today, it is not necessary for us in Mississippi to apologize to anybody for our school system.

In 1936, Mississippi had no road system. As I remember, I drove to Jackson when I went to the legislature and it took over five hours. I was worn out before I got there. Mississippi was pointed to as the most backward state in the nation. Now we do not have to apologize to any state for our road system, but can point with pride to the fact that we have one of the most modern, trunk-line highway systems of any state in the nation. We don't claim it is complete because there are many important roads in the state that should be constructed, and some of those that have been constructed for many years are obsolete and should be, and will be, reconstructed in order to meet the demands of the travelling public.

These improvements have been made on a sound, businesslike basis and within the sound economy of our state, and are within the ability of the people to pay for without too great a financial burden. Improvements like these do not just happen; they are a result of long and careful study and planning.

Twenty-one years ago the legislature created a Highway Planning Recess Committee which worked for almost two years in studying the needs of the state with reference to a system of paved state highways. One of the greatest benefactors that the State of Mississippi ever had, and one to whom the people of the state will be eternally grateful, was chairman of that committee. That was none other than Mr. Horace Stansel. He was not a lawyer, but he was one of the outstanding members the legislature has had in the entire history of the State of Mississippi.

As a result of that study committee's work, the entire highway laws of the state were redrafted and the Highway Commission, as now set up, was created under the provisions of the law which we know as the Stansel Road Bill.

The depression, during the years of the early thirties, made it impossible for the state to go forward in accordance with the recommendations of that committee. In 1936, as a result of the work done by that committee, there was started the highway system of the state and it progressed until construction had to be discontinued because of World War II.

In 1946, another program for highway construction was enacted and many important roads have been constructed as a result of that program.

In 1948, the legislature created another highway planning committee with the instructions that the committee make a study of the needs for additional construction of state highways, county roads, and city streets. That committee is now engaged in the most exhaustive study of highway needs ever made in the State of Mississippi, and the committee feels, when their recommendations are made, that Mississippi will go forward with a program within the ability of the people to pay, to such an extent as good economic practice will permit.

I think that it is of interest to mention the fact that prior to the beginning of the construction of our highway system, the State of Mississippi

had enacted a law by which there was levied a six cent gasoline tax, and that gasoline tax was collected for many years prior to 1936.

I think that it is also interesting to this group to state that with all of the construction we have had of highways in the State of Mississippi during the past twelve years, that levy has not been increased. Two and one half cents of that six cents in 1936 was returned to the counties, on a formula based on area, one-third; population, one-third; and automobile registration, one-third. It was the thought of members of the legislature, at that time, that Mississippi could not build a system of state highways without taking some part of the gasoline tax returned to the counties. However, the legislature did not do that and today the counties receive their pro rata portion of the gasoline revenue exactly as they did before the state started the construction of our state highways. That levy has not been increased.

It might be interesting, also, to mention the fact that every state that borders on the State of Mississippi has a higher gasoline tax than does Mississippi. The State of Arkansas has seven cents, the State of Alabama has six with an additional cent to be levied by the municipality and in most instances the levy is made, the State of Tennessee has seven cents, the State of Florida has seven cents gasoline tax and the State of Louisiana has nine cents. Mississippi still has six cents.

I don't think it would be amiss to mention the fact that although Mississippi's highway department has been small compared to highway departments in other states, it's one of the best in the United States and so considered. In the expenditure of all the money that has been expended through that department there has never been any suggestion of graft. We all remember in 1930 when the depression started that the legislature made its appropriations and there were worthless warrants floating around Mississippi. We don't like to think of those days except for comparative reasoning.

In 1932, before the Legislature could start any kind of a fiscal program for the year, it was necessary to issue about \$11,500,000 in bonds to take up the worthless warrants floating around over the state. Our bonds were selling below par and the credit of the state was shot to pieces. During the Conner administration the revenue of the state was stabilized and we were put back on a good financial basis.

In 1936 to 1940, during the White administration, there were increases in the levies and adjustments for inequalities in one place or another, but in the overall picture, there was no increase in the levies for general purposes. No general bonds were issued during that period, but at the beginning of that administration the State of Mississippi owed approximately \$41,500,000 in general obligations.

By using the current revenue those bonds were reduced as they matured and permanent improvements were made to our institutions without the issuance of additional bonds.

In 1940 to 1944, the revenue was sufficient to meet the demands of the state on the levies that were made and surpluses piled up as a result. But, no additional levies were made and no bonds were issued. Those that matured were retired.

In 1944, at the beginning of the Bailey administration, there was a considerable surplus in the treasury. I think one of the greatest things that any legislature has ever done was impounding \$21,427,000 of that surplus and placing it in the custody of a commission as the bond retirement fund. It was invested in government securities with maturity dates and was to retire the bonds as they came due. All that is necessary for the legislature to do is appropriate money to pay the interest on the bond maturity for the biennial period. The State of Mississippi doesn't owe any bonded indebtedness for general purposes. Forty-one and one half million dollars owed in 1936 has been paid or we have the money to pay it. In 1932 we were considered as economic problem number one. Every red-blooded Mississippian resented that. That year we paid into the Treasury of the United States in direct taxes by the individual taxpayer, approximately \$850,000 revenue from Mississippi.

In 1942, ten years later, the taxpayers of the State of Mississippi paid into the Treasury of the United States in direct taxes a little more than \$21,000,000.

Four years later, in 1946, the individual taxpayers in Mississippi paid into the Treasury of the United States a little more than \$62,000,000, and in 1948, Mississippi taxpayers paid into the Treasury of the United States in direct taxes a little more than \$101,000,000. If we had that \$101,000,000, or a portion of it, down here, Mr. President, we wouldn't have to be running up to Washington for a handout. We are not, now, economic problem number one.

That condition has been brought about by several things. During the White administration, legislation was enacted to encourage the establishment of industry in Mississippi. Prior to that time we depended principally on cotton and farming for our revenue. If we had a good year, a good crop, got a good price, people had money. If we had a bad year, a bad cotton crop and a bad price, everybody was broke. But, as a result of that program, there have been hundreds of millions of dollars paid to the workers in the State of Mississippi in salaries and paid into the treasury of the state in taxes to help carry on and to support our institutions.

Of course it is not within my prerogative to recommend to the bar association what they should do, but if I were to make a recommendation, it would be this: There are hundreds of economic problems to be considered by the legislature today that were never thought of one or two generations ago. In the allotted time it is impossible for any member of the legislature to consider each individual piece of legislation that comes up for consideration until it is presented to the house. I think that it would be well for this association to give consideration to the appointment of a representative of the Mississippi State Bar who is well versed in the constitution and in constitutional law to go to Jackson and to study the legislation that is introduced up there, as much as he can, in order to find whether that legislation, when introduced, is constitutional or unconstitutional. I just mention that for your consideration. I think that it would be a worthwhile service.

Mr. President, I want to express to you my appreciation for the honor of appearing here on this occasion. I thank you for your kind attention.

President Stone then called on Mr. L. A. Smith, Jr., of Holly Springs, who introduced the next speaker, Judge Julian Alexander, Justice of the Mississippi Supreme Court. After responding to the introduction, Judge Alexander delivered the following address:

THE APPELLATE COURT AND THE LAWYER

Julian Alexander

The subject assigned to me, *The Appellate Court and the Lawyer*, begets certain troubling implications, first among which is that the lawyer is a species distinct from the judge. They share a common quest for truth. It may be that the lawyer tends to dredge his facts in mass, trusting that nuggets of truth, if auspicious to his cause, may be found imbedded. The task of the judge is to sort them in the sluice pits of judicial scrutiny with a respectful disdain for the irrelevant. He is an umpire who must view the enthusiasm of advocacy and its sensitiveness to rebuff with composure. Yet the lawyer is an officer of this court, which has long since declared that it is the duty of both to see that trials are always fair. Wherefore, the duty of the lawyer is not only to aid his client but the court. Judges find themselves continually harried between the upper and lower millstones of equal balanced weight, each of which turns in an opposite direction under the power of partisan pressure. It is within this disturbed arena and under these conditions that he must cultivate a capacity to divine between "the truth and that which apes and mocks the truth."

As Mr. Justice Cardozo said, "within the narrow range of choice he must search for social justice." In the last sentence of his monumental work on the history of the American people, Woodrow Wilson summarized his philosophy in the statement that true statesmen must "make of the law not only an instrument of justice but of social progress." Yet that judge has lost much who does not retain in his mental files a record of his own early hardships and enthusiasms which as a member of the bar were respectively a stimulus to better effort and an asset to his client. During the early seasons of unprofitable drouth his dominant yearning was for some form of alimony pendente lite. A helpful immunity to despair was built up because forsooth the lite was so pendente. His life, liberty and pursuit of happiness was at stake.

Even as each appellate record stimulates a recreation of the setting wherein it was made and builded up, so the briefs of counsel reproduce a picture of painstaking labor in which the products of research have been refined to an essence which bears the pungent aroma of commingled perspiration and the gracious dews of eloquence.

The lawyer is free to wander in the fields of fancy and to experiment with the tools of logic and law. It is the prosaic task of the judge to hew to well defined lines, allowing the chips to fall where they may. Infrequently, yet too often, they fall upon the sensitive shoulder of an advocate whose zeal is not chilled nor judgment shaken by adverse judicial providences, and who there and thereafter wears his chip as it were an epaulet to symbolize his inalienable right to ease his tension and to excuse his misfortune by "cussing the court."

If the law is, as has been often said, what the judges say it is, they, more often than is suspected, say what the advocate has told them. The

lawyers dictate judicial opinions in no unreal sense. It is their duty to present to the court the opposing facets of their controversy. They, too, are public servants and officers of the courts, to which their ministrations are an acknowledged service. If the judge on occasion throws the books at him in unbroken sets, the thing that gives to them weight, momentum and a flat trajectory is the case-hardened core of prior decision which has solidified under exposure and been annealed in the fires of agile criticism. The possibility that a party may be thus struck midway between the allegata and probata is one of the assumed risks of advocacy.

Post office pens, despised and rejected of men, are after all a commentary upon men themselves. Their lame and halting progress and even their incoherent sputtering are accusations against the habits of mankind. Though they may not write, yet they can speak, for they symbolize human traits. They are what men have made them.

The judge should, but need not, be of superior wisdom. I know of none who at heart so claim. Their aptitude should be to recognize truth when presented, whether by decision or by brief. The fact is subject to ready confirmation that many of the epochal decisions of John Marshall were, consciously or otherwise, the products of the logic and philosophy of the briefs of Daniel Webster. By the same token, the lawyer shares the responsibility for judicial mishaps, under the doctrine *respondeat superior*.

With some inexplicable temerity I would intimate that judges are, and of right ought to be, human. I trust that this observation is trite enough to be saved from boasting. Summoned as they are from the body of the district, if not from its brains, judges are born, not quarried. It is neither possible nor entirely desirable that they should be otherwise. A silken robe has no efficacy to transmute to its wearer, by induction, qualities of new wisdom or to make fertile a mind theretofore barren. While their minds should not be, as I doubt not they are often impulsively so considered, vacant, they must be open. Their chief task and only attainable asset is in the training to displace all prejudices which may tend to pre-empt this area against the storage of new ideas. In due season judicial regalia is in turn transformed into the sackcloth of an awakened humility wherein conscience is stimulated with the pressure of responsibility. One cannot sprinkle upon a wrinkled brow dust blown from neglected volumes, however ponderous, and confer profundity upon immature thoughts.

Will you at this point vouchsafe to me the right of a diversionary sortie under the banner of personal privilege that I may release a sentiment for which no occasion has heretofore afforded propriety. I would speak for a moment of your own appellate court. With one exception, as to which you will respect my allergy to personal embarrassment by according to this exception a protective anonymity, it is composed of men who are in no trite sense gentlemen and scholars, hard-working and human, patient and painstaking, conscientious and careful. Agonizing is not a practitioner's monopoly. I am conscious in this respect of complimenting not them but you who have chosen them. One of my limited talents finds constant and increasing respect for their wisdom and judgment, culled from diverse fields and cultured by distinctive gifts. It is a congenial and homogeneous body bound together with personal affinity, which is a surer adhesive than a mere common task. If permitted to continue exposure to their composite qualities, I may learn much. In their enforced isolation,

which they frankly deplore as an occupational hazard, they find compensation and consolation in a companionship and fellowship where there may be dissent but never dissension, and assent that is never servile.

May I take occasion to assure you that your records are read and your cited cases examined. All causes are at least double checked. Such defections from infallibility as may and must be found are not to be ascribed to the system but to the necessity that it must be administered by those who can expect no higher attainment than being merely human. The merit of logical and scholarly briefs never pales under appreciative minds alert to the crown of craftsmanship of which clarity and truth are its jewels.

Concession of a constitutional right to castigate the court, at least within the shelter of your own chambers, finds an echo in the right of the court to speak its mind with a tongue, which although held in its cheek, nevertheless speaks a word of admonition. It is possible to classify arguments into geometrical patterns. There is first the circular type which, beginning with confidence goes off at once in one direction and, reappearing from another, comes back to its starting point, retaining always a constant distance from the point which is its center. The square type has been identified likewise, differing only from the circular in that it proceeds with less rhythm. There is found also the parabolic technique which at least has the merit of beginning from a given point, but which progresses with eccentric curve into interstellar space, and is denied the privilege of ever getting back. The spiral or centrifugal starts at a given point and revolving about it in ever increasing circles, gets farther away and higher into the air all the time. The centripetal type approaches from a convenient background and gradually comes to rest upon the point. Its Hooper rating is higher than all others.

Within the ample time allotted to oral argument may we talk back in kindly banter to suggest that in discussing your case you tell us what it is about, why you lost, and why you should have won. A detailed recital of testimony presumes that the court will not read the record and your brief at least twice. Resist unto the uttermost any temptation to begin in the middle of your case and work both ways. Indulge the presumption, however violent, that the court knows the law but not the facts.

The public often misunderstands the function of an appellate court. It is a court of review and not of re-trial. That it is merely a court of errors is often over emphasized by unsympathetic losers who play upon the phrase in an attempted wit which finds acclaim only among the untutored. Moreover, the record is the only voice which we can heed and we can not conveniently listen to it with our ear to the ground. Judges may not aspire to attain higher than the low maximum of a 50 per cent approval, for one party always loses. Their ambition is always to see that justice never loses. They must strive not to be popular but to be right. They, too, have a client. It is justice, and it is continually on trial. It, too, is entitled to its day in court.

Judges must not be restrained in their judgments by a warning that they in turn must also be judged. We are quite aware, however, that we are subject to review not only by a higher court, but by the court of public opinion by which its legal concept of public policy comes to be our judge.

This reaction of popular opinion, once it becomes identified as the mores of a people, is not only not unworthy of judicial attention but must be consulted. Whenever the strain of accumulated experience and wisdom moves upon the foundations of the past they must yield.

To overrule decisions is less odious than to find a better way with a better light towards social justice. The doctrine of *stare decisis* has been defined as a rule for making rules. But justice is more than mere consistency in error. It is true that the doctrine of the law of the case involves a judicial estoppel whereby a party may not be judicially misled to his hurt, and once declared may not be retracted, even despite error, lest the litigant suffer entrapment by the court. Men ought not be hobbled in their pilgrimage toward truth by either calendar or circumstance, for truth is not a definite station along the highways of judicial decision, but it is the journey itself. It is not achievement but striving. Constitutions are the levees which confine the streams of judicial decision. The sandbags of accumulated statutes guard against erosion or avulsion, yet within its prescribed course the courts are free to cut their own channels, to alter its contours, shift its bars, and to deposit its flotsam to one side or the other. Now and then judicial eddies seem to defy the currents of consistency. These are phenomena to those only who fail to adjust the conflicting forces of the need of stability to the need of change, and to note the conflict between theory and practice, between idealism and realism. Burke's standard of a statesman is one with "the disposition to preserve and the ability to improve," taken together. As Dean Pound has phrased the same concept, "the law must be stable yet it cannot stand still." Granite resists deterioration but is itself a product of change and decay. Law must have its roots in the solid and congenial soil of exact justice. If well planted, the sun of experience and the storms of constant challenge will bring it life and strength, but if not deeply rooted its rays and ravages will cause an early withering.

Mr. Justice Holmes has been often quoted in his proverbial announcement that "the life of the law has not been logic, it has been experience." Here the lawyer can interpret and the courts apply its lessons. In an ancient case I found it to have been declared that "when these ghosts of the past stand in the path of judges clanking their medieval chains the proper course for judges is to pass through them undeterred." On this subject I disavow any lack of respect for the doctrine *stare decisis* as such. I am urging it, however, as a means to an end. It is a credit upon the side of stability, even as change is often an asset to a reawakened sense of justice defined in terms of a new awareness and interpreted in the light of the evolutionary processes which shape and define the common welfare. Rules created by public policy must remain subject to its revisory powers. The words of the constitution are carved in stone; its meaning and application is found in the sands by which the hour-glass notes the passage of time, the decay of insecure foundations and the ever shifting currents of social and economic policy. In an early Mississippi case, *Jeff v. State*, 39 Miss. 593, blind adherence to ancient principles was referred to as "the labor saving facility with which precedents are sometimes made." It is well enough that the courts should declare "this is the law," but history, experience and open minds forbid that they should say "this shall also be the law."

Judge Frank in his *Law and the Modern Mind* aptly observed: "Our society would be strait-jacketed were not the courts with the able assistance of the lawyers, constantly overhauling the law and adapting it to the realities of ever-changing social, industrial and political conditions."

Hear also a significant pronouncement by the United States Supreme Court less than a week ago: "At the risk of wearisome reiteration it is relevant to say again that the common-law concept of negligence is an antiquated and uncivilized basis for working out rights and duties for disabilities and deaths inevitably due to the conduct of modern industry." *Urie v. Thompson*, May 31, 1949.

The lawyer is often tempted to foster the concept that the law is certain, established, and predictable. Law is an exacting, but not an exact, science.

In those procedural Parthian shots, designated suggestions of error, we are sometimes reminded that we have willfully or maliciously outlawed and made moribund all volumes of reports purchased with sacrificial self-denial and chiefly on an installment plan. We are served with such interrogatories as these: How can we be certain? How shall we advise our clients? Well, in that world in which we now find lodgment, we know of no way short of prophetic foresight. A realistic view would be to advise them that you don't know; that there is enough doubt to make it worthwhile to venture. For is not the life-blood of litigation an honest doubt? For this cause judges and juries were born. If there were always sure prophecy the temples of justice would be abandoned to the hucksters and the contingent fee would, under the noonday sun of certainty, sicken and die upon its vine. The special thrill and profit of adventurous wildcatting would meet its doom in ruthless revelation.

The loyal advocate must believe that he will prevail but his doubts should be an incentive to admonish his client that his assurances rise no higher than healthy hope. Thus he seeks to enlist the judge as an ally in his cause. If he loses after conscientious effort, his grievance should be, not that his client chose the wrong lawyer, but rather that the wrong client chose him.

The personality and philosophy of the advocate is an asset upon which he is entitled to draw in selling his ideas to the court or jury. Yet it was stated by Justice Cardozo "a judge would err if he were to impose upon the community as the rule of life his own idiosyncrasies of conduct or belief." In a very recent case of universal interest, *Haley v. Ohio*, 92 L. Ed. 224, Mr. Justice Frankfurter stated, "humility in this contest means an alert self security so as to avoid infusing into the factors of a constitution one's merely private notions." A few have thought, and as to the merits of their reaction I express no opinion, that there did not appear therein a sufficient antidote against the poisons of individual prejudice. We return again to Justice Cardozo who expressed a concern that a ritualistic devotion to judicial duties may permit the "official in him to swallow up the man."

Many constitutional concepts are mere abstracts. Efforts to define "due process" began in the *Slaughterhouse Cases*. The decision was five to four. In the first 40 years thereafter there were 604 such attempts, and in one-fourth of the cases there were dissents. Mr. Justice Holmes finally

defined generality in terms of generality by stating in, *Moyer v. Peabody*, 212 U. S. 78, 84, "it is familiar that what is due process of law depends upon circumstances." It is equally as impossible to state succinctly what is due process and what is a fair trial.

Judges, therefore, are the creators as well as the interpreters of the law and yet they are creatures of the necessities of their times. They must realize that, despite the traditions into which they have been born and bred, there are constantly at work irresistible pressures which move with glacial pace and power and which can neither be hastened nor hindered. A judge must not be before or behind his times. We must not deny to the law either the promise of adolescence nor the hope of ultimate maturity.

Why should we demand that in an everchanging world of divine creation there should be absolute stability in the law, the creature of a creature? What then, is or ought to be fixed? Just this, a yearning for that truth which is justice. A corrupt judge, one Pilate, once asked of a divine prisoner at his bar, "What is truth?," without getting an answer adequate to a warped mind. I should prefer to follow the inspired learning of that apostle to the gentiles who conceded that men were "ever learning and never able to come to the knowledge of the truth." Such must ever be the fate of idealism in finite minds. This distinguished apostle aptly summarized a creed for all who strive against insuperable odds toward perfection. We thus paraphrase his creed, "forgetting, if need be, the things that are behind and reaching unto those things that are before, let us press forward to the mark of our high calling."

I utilize a sentiment I have elsewhere voiced when I say that the flag loses no beauty nor inspiration when from a fixed shaft it yields to the shifting currents of those winds which best reveal its glory. Justice is a fruitage of that law which has its roots in nature's soil. Reason should tend its growth but the truth which is its life principle is not a grafted fruit, it is a seedling. Judges must continually re-examine both the spirit of the laws and of the times in the light of these ends.

It is desirable that the roads be fixed and maintained. Yet there are times when one may attain security at the risk of trespass by travelling extra viam. Progress and certainty may be aided by a fixed and stalwart landmark; they may be frustrated when in a new and better highway it is found to stand athwart their destined course.

Those who would invoke against the courts their own doctrine of estoppel against the repudiation of their own judgments may in turn borrow from the same source the doctrine of police power with the right in them of eminent domain to proceed across even their own judicial estates.

We must keep in our view the polar star of justice and truth. In our judicial course let the beacon lights of fixed positions mark our channels. Yet these are directions and not destinations. When these fail or if they be not set, we may consult our ancient charts. Let us heed the persuading currents of developed thought, scorning not to turn to ready account the shifting winds whether they be adverse or fair. By proper set of our sails we may yield to their power even though by a firm helm we resist complete sur-

render to their drift. Buoys loosed from unstable moorings may yet confuse, and those fixed by the incomplete wisdom of a simpler age, in waters too shallow for modern keels, may warn though they do not guide. If the course be laid by a compass responsive to the pull of a rational idealism and constant in its conformity, we need but make occasional adjustment to allow for the magnetic variation of individual prejudice.

Shore lines fluctuating though they may be, will verify our trend. Frequent soundings will attest our security. Even the wake of the ship may reward a backward glance to prove the accuracy of our course. Through the obscuring fogs of doubt and uncertainty we may plot our way by the human devices we have fashioned. When by a determined progress we attain uncharted zones and unwonted conditions disturb the magic of our compass, we can still steer our courses by the stars.

President Stone then introduced Mr. J. O. Hollis, of Carthage, First Vice-President of the Mississippi State Bar. Mr. Hollis delivered the address of Judge Percy Lee, of Forest. Judge Lee was unable to attend on account of illness.

THE TRIAL COURT AND THE LAWYER

Percy M. Lee

My guess is that the purpose of this assigned subject is to throw light on the function of the lawyer in the trial court.

All of us, judges and lawyers alike, recognize our great responsibility in the administration of justice. We have divers and sundry experiences. Some of these give rise to humor; some to exasperation; some to pity; some to emotion; some to pathos; some to the highest of human sentiments; and some to joy and satisfaction.

The greatest joy and satisfaction to me, as a trial judge, in the actual trial of a lawsuit, comes when the lawyers have fully prepared their cases. The preparation of a case, for the plaintiff, envisages an interview with the witnesses to determine the facts; a study of the law to see whether, granted these facts to be true, the client is entitled to relief; the statement of the case in ordinary and concise language; the follow through with such evidence as will have probative value to establish his theory; and the preparation in advance of the trial of the instructions which will correctly present to the jury the law as touching this theory. In like manner, the case for the defendant contemplates like procedure on the part of his counsel, the attitude being largely defensive rather than offensive.

When plaintiff's counsel has filed a statement of the facts constituting the cause of action in ordinary and concise language, without repetition, and the defense counsel has answered, without equivocation, then the issue or issues have been made clear to themselves and the court. The bone of contention is obvious to all. The responsibility of the judge in passing upon the admissibility of the evidence becomes relatively easy in sifting out that which has probative value. When there is objection, and the judge inquires "why," he is not met with the trite response of "incompetent, ir-

relevant and immaterial," the usual expressions when a lawyer objects, but does not know why he is objecting.

Preparation of the case presupposes, and I think, insures, that the instructions will be written prior to the trial. When the issues are settled, the law is settled. And if the evidence, disputed as it almost invariably is on the material features, comports with the representations of the respective parties, the lawyers know that the case will go to the jury. Thus serious consideration should be given to the instructions before partisanship leads intelligence and judgment astray. Our system of written rather than oral instructions, in my judgment, makes us better lawyers. True, sometimes on account of fine shades of meaning, or inept expressions, laymen become confused, and the written instructions mean very little to them. To guard against just such contingencies, the lawyer should never wait until all the evidence is in to write his instructions. It is an injustice to himself and his client, and results in inexcusable delay to the court.

Ordinarily the practicing lawyer does his utmost on his big case. He figures to make a good fee if he wins. His necessity for existence impels him to do his best to get all of the facts and make a thorough research of the law. That kind of case is not likely to be butchered. Too much is at stake. The field in which too often there is insufficient preparation might be denominated the smaller cases, where the amount in controversy is not large; where the fee is small; where, out of friendship or other considerations, the lawyer feels that he should aid and charge no fee, or a very small one. In such cases, where there is slight or no preparation, the lawyers spar and are like ships without rudders not knowing where they are going or to what port they are headed. In such cases, all sorts of points without rhyme or reason are raised, and the judge doesn't know where he is because the lawyers do not know where they are. Let us be delivered from these legal catastrophes! The law of economics, the profit motive, obtains in the practice of law as in everything else. Rarely will one put out, if the putting out does not mean anything by way of profit.

The onus of these remarks, as you have seen, is an appeal for preparation. Thus my plea is that the lawyer keep in mind his professional reputation, that he be not weary in well-doing. If he allows himself to be dragged into some small matter from which he will derive little or no pecuniary profit, let him remember, notwithstanding, that this was of his own choice. He must be prepared, his professional reputation is at stake. Whatever the motives besides financial gain, they must constitute a sufficient fee and reward for his best efforts.

President Stone then introduced Mr. Joseph Dale, of Prentiss, who introduced Mr. Robert Burns, of Jackson. After responding to the introduction, Mr. Burns delivered the following address:

THE LAWYER AND THE COURT

Robert Burns

I think it would have been better, Mr. President, if our friend Bob Thompson over here at Gulfport had been asked to make this speech, or my friend Ross Barnett from Jackson, or Jim Cunningham. They are al-

ways trying to get their clients into court, and I am always trying to keep mine out. Therefore they are in more often than I and they know more about the lawyer and the court. Occasionally my client and I, in spite of ourselves, find ourselves in court. Since this is true, from the little knowledge and little experience that I have with the court and my fellow members of the bar, I am going to talk to you a few minutes this morning.

We find these things in the constitution of our state:

Preamble: We, the people of Mississippi in Convention assembled, grateful to Almighty God, and invoking His blessing on our work, do ordain and establish this Constitution.

Section 5. All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to-wit: those which are legislative to one, judicial to another, and those which are executive to another.

Section 2. No person or collection of persons, being one or belonging to one of these departments, shall exercise any power properly belonging to either of the others.

Thus is recognized the supremacy of the Maker of the Universe, the sovereignty of the people in temporal affairs, the principle of a representative government, and the separation of governmental power into the three co-ordinate branches. Our constitution goes on to prescribe the organization and functioning of the three departments, and vests the judicial power in our courts.

Not only is the good of the whole provided for, but it is recognized as fundamental law that every individual, made in the image of God, possesses certain inalienable rights to life, liberty, property and happiness. That great charter subordinates the military to the civil power; defines treason; protects the right of peaceable assembly and petition; the right to defend home, person and property; the right to freedom of speech; it protects life, liberty and property against government itself by requiring due process and forbidding confiscation; insures freedom of worship and commands separation of church and state; guarantees the privilege of the writ of habeas corpus; forbids double jeopardy for the same offense; unreasonable searches and seizures; excessive bail; cruel or unusual punishment; imprisonment for debt; prosecution for serious offenses except by indictment; and provides that the courts shall be open for redress of every injury and the protection of every right, guaranteeing the aid of counsel in a public trial before an impartial tribunal, where right and justice shall not be denied. These things are the *sine qua non* of individual liberty, of personal freedom, of free enterprise, of the American way of living and governing. They form the basis of both individual and property rights, and stand as a bulwark against the tides of totalitarianism and tyranny

everywhere. In their preservation lies our assurance of today and our hope for the future. The final bastion for their defense and forum for their interpretation and retention is in the court. The court stands as the vortex of the never ending struggle for liberty and good government. Its sanctity is fundamental, and depends in large part upon the integrity, ability, unselfishness, fairness and patriotism of judges and lawyers. Ours being a government of laws and not merely of men, and the interpretation and application of law to human rights and property rights being so vital, these things focus our attention on the importance and significance of the relationship between the lawyer and the court. Responsibility for proper functioning of the court falls heavily on both the judge and the lawyer.

The Court

Every lawyer here appreciates his or her relationship with the judges of our courts. We know the pride and confidence that comes from standing before a fair and impartial judge, who is able, who is honest, who is considerate, who is fearless, who loves his country, and his people, and his God. And on the other hand, though such has seldom been the case, some of us may have known the frustration and even anger we have felt in appearing before a tribunal in which we cannot feel the assurance of fairness and impartiality; when the clear stream of justice may be muddied by fear or favor or prejudice or irritability.

When a judge mounts the bench he takes the following oath:

I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as judge according to the best of my ability and understanding, agreeable to the Constitution of the United States and the Constitution and laws of the State of Mississippi. So help me God.

A good judge is a great man. He creates confidence and respect in rich and poor alike. He is suited to his office. He knows its importance and adds to it dignity and honor, but without seeking personal distinction and preferment for himself. He extends to the lawyer, to others associated with him, and to those who appear before him, that courtesy and consideration he demands for himself and for his court. He does not decide on the basis of the last election or the next election. He will not be swayed by passion or prejudice, friendship or enmity, fear or favor, threat of retaliation or promise of reward. His only consuming desire is to have his court dispense justice between man and man according to law and right. A good judge has courage. He pays no heed to popular clamor. He knows that the very preservation of representative government depends upon the integrity and fidelity with which he discharges his duty. May we honor him in spirit and truth.

The Lawyer

But the proper functioning of our courts depends not only on the judge but on the lawyer as well. His part is also essential.

Our statutes require that an attorney should be of good moral character and shall possess the requisite legal learning. On being admitted to the bar the attorney takes the following oath:

I do solemnly swear that I will demean myself, as an attorney and counsellor of this court, according to the best of my learning and ability, and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the State of Mississippi so long as I continue a citizen thereof. So help me God.

The statutes further provide that it is the duty of attorneys:

(1) To support the constitution and laws of this state and of the United States;

(2) To maintain the respect due to courts of justice and judicial officers;

(3) To employ for the purpose of maintaining the causes confided to them, such means only as are consistent with truth, and never to seek to mislead by an artifice or false statement of the law;

(4) To maintain inviolate the confidence and, at every peril to themselves, to preserve the secrets of their clients;

(5) To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which they are charged;

(6) To encourage neither the commencement nor continuance of an action or proceeding from any motives of passion or personal interest;

(7) Never to reject, for any consideration personal to themselves, the cause of the defenseless or oppressed.

Subject to the supervision of the court itself, it is the right and duty of the lawyer to conduct and present the cause of his client. The rules of professional conduct of our state bar provide in part:

It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office but for the maintenance of its supreme importance. Judges not being wholly free to defend themselves, are peculiarly entitled to receive the support of the bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between bench and bar.

In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client. . . .

I would like to interpolate here and say this: for some years now I have watched the progress of our state as outlined by Reece Bickerstaff. I have watched business grow and income grow, and I have watched the fact that we have more industries and more money in Mississippi than elsewhere. But, I have been impressed with the thought that we lawyers in Mississippi, in every community of Mississippi, perhaps don't have that appreciation for our judges, those who preside over any one of the coordinated branches of the government that protect you and me and our clients. Able counsel, for not necessarily the large corporations, make good compensation and ought to. A good attorney representing a manufacturer is paid well in accordance with the importance of the case. But, it seems to me, and I hope Reece is listening to this, I don't see him or any other members of the legislature who are members of the bar, it seems to me when we think of raising compensations and when we think of increasing the appropriations for the absolute necessities in this state, the last people we get to are the judges who came from the body of the lawyers of this state and who, as I have pointed out, are the ones who stand here in a large way in preservation of the liberties of the people.

I cannot agree with, and I can't understand you and me attempting to pay a trial judge what we pay him in Mississippi and attempting to get from a supreme court what we get. We are getting it all right, but I wonder if we deserve it, paying him what we pay him to sit upon the highest court of this state. Let's go back home and let's start with the governor, himself, and the attorney general of this state, the lawyer for the people, and let's pay them a living wage—we, the people I mean, pay them a wage so they will not have to worry about the average problems of daily food, clothing and shelter, but where they can discharge their duties unhampered by any such considerations.

I have quoted from this, our code of professional ethics, because that code states the matter better than I can myself. These are high ideals and strict rules, but our continual striving to attain our ideals from day to day, however weak and halting our steps may be, enables both lawyer and judge to make his contribution to the client, to the administration of justice, and to good government. The never ending effort to conform to these ideals and rules constitutes the greatest single contribution a lawyer and a judge can make to the common welfare. So that the scales of justice may be kept in balance and so that the stream thereof may flow on without interruption or pollution, the lawyer and the judge must perform their respective duties well. In this right performance of duty lies the greatest assurance we can have of the preservation of our liberties and of our way of life.

We are proud of the judiciary of our state. We are highly proud of both the personal and professional relationship we have with our judges and with each other. I have tried to indicate to some extent the basis of this relationship. It is perhaps true that, in this complex age of haste and speed, when the lawyer and sometimes the court are continuously under pressure, both the lawyer and the judge, entangled with the details of the particular problem, may forget the broader purposes and objectives of our entire system of law and procedure. It seems, perhaps, that we in America have let the dollar and the love thereof attain too high a place in the scheme of things. If that be true, we must renew our faith. We cannot permit ourselves to forget the fundamental legal principles and purposes upon which both our system of government and our happiness depend. Judges and lawyers must not busy themselves solely with the particular legal job at hand. Because of their training, they are peculiarly charged with the duty to keep an eye upon the direction of the ship of state and upon the set of the sail. If they fail in that duty, if they lack the vision and courage and the unselfishness, then legislation and decision and practice and even modes of thinking will creep in that will eat away these fundamental human rights. This wearing away comes slowly and insidiously. The average man does not discover the loss of liberty until it is gone. We lawyers and judges ought to dedicate ourselves again to the preservation of our heritage.

The meeting adjourned for the morning.

FRIDAY, JUNE 3, 2:30 P.M.

The meeting was called to order by President Stone, who called upon Mr. Charles D. Fair, of Louisville, to introduce Mr. Conwell Sykes, President of the Commercial National Bank of Greenville. After responding to the introduction, Mr. Sykes delivered the following address:

THE LAWYER IN THE FIELD OF BANKING

Conwell Sykes

Today many young men study law without knowing whether they will actually practice after graduation. It has become generally recognized that a legal education is of great value in nearly all fields of business. The law graduate not only has the advantage of a mind trained to reason, but he also knows something about the legal pitfalls which confront every businessman in the daily conduct of his affairs. While the businessman with a legal education may not know the correct answer to every legal problem, he at least can recognize a danger signal and consult his attorney in time to avoid what might otherwise prove to be a costly error.

To those law graduates and young lawyers who prefer to enter business rather than practice, permit me to suggest that serious consideration be given to forming a connection with some bank with the idea of following banking as a career. Most ambitious young bankers who have not had the advantage of legal training are attempting to improve their knowledge of commercial law, negotiable instruments and public speaking by studying correspondence courses prepared by the American Bankers Association, or attending night law schools available in the larger cities. They recognize

the need for having more than a casual knowledge of the laws governing business transactions. Law graduates entering the banking field would naturally have a distinct advantage over young bankers who have not had legal training, and everything else being equal, should advance more rapidly. It is true that banks are not noted for being high salaried institutions. If my memory serves me correctly, neither are young lawyers burdened with large incomes. I presume the old saying among young lawyers that they had collected "a few \$10.00 fees and a lot of small ones" has become, due to inflation, "a few \$20.00 fees and a lot of small ones." While bankers may not generally receive large salaries, they do have the advantage of steady employment under favorable working conditions, an intimate knowledge of the business affairs of the community in which they live, and usually the respect of that community as a citizen.

One particular phase of banking which is especially appropriate for men with a legal education is the trust work of those banks which exercise trust powers. As you know, banks with trust powers can act in any fiduciary capacity in which individuals can serve, such as executor, administrator, guardian, trustee or agent. While banks customarily employ attorneys to represent them in administering estates and trusts, it is logical to assume that the administrative details usually can be more intelligently handled for the bank by a trust officer with legal training than by one without such training. The trust officer of a bank must be careful not to involve his institution in litigation resulting from the negligent or ill-advised performance of his duties. He must also be a good student of human nature and know how to placate the beneficiaries of estates and trusts who are rarely ever pleased with the terms of the will or trust agreement governing their inheritance.

In Mississippi trust departments have been slow to develop. Out of 203 banks in the state only 90 have trust powers. Of this number 44 have active trust departments with probably not more than 25 of these having a substantial amount of trust business. This lack of enthusiasm among Mississippi banks for trust business is probably due to three causes. First, a large number of our banks are in small communities where few estates of sufficient size are accumulated to justify bank trust departments. Second, Mississippi's wealth has been represented in the past largely by real estate which is not a desirable asset for a bank's trust department to administer. Third, few qualified trust officers have been available to organize and operate trust departments. While Mississippi banks will probably never have a great expansion in their trust activity, it is not unreasonable to assume that this phase of banking will enjoy a steady and substantial growth as Mississippi develops industrially and the proportion of our wealth invested in stocks, bonds, insurance and bank deposits increase. Certainly a corporate fiduciary such as a bank offers many advantages over an individual fiduciary. The continued existence of a corporation obviates the necessity of replacing individuals who may die or become incapacitated. The experience and superior administrative ability of a bank trust department relieves the attorney of attending to many worrisome details which he must perform for the average individual fiduciary. The financial responsibility of a corporate fiduciary is usually much greater than that of an individual and thereby insures a safer administration of trust business. The investment of trust funds can usually be made more soundly and profitably by a bank's trust department than by an individual.

I would suggest that bank attorneys take the initiative to determine whether their banker clients are correctly informed as to the laws governing a bank's day by day transactions. Bankers are engrossed in a mass of daily details and usually do not devote the time they should to keeping themselves informed as to changes in laws and court decisions affecting banking and commercial transactions. In my opinion, those attorneys in Mississippi who represent banks would render their clients a valuable service if they would instruct them in the fundamentals of laws affecting banks and keep them advised as to changes in such laws from time to time.

I trust I will not be considered presumptuous if I devote the remainder of this talk to suggesting a few specific legal problems which I have found from experience frequently arise in banking and about which bankers generally are not too well informed. Perhaps those of you who represent banks might like to discuss these problems with your banker clients.

1. Protest: The average banker has only a limited knowledge of the laws relating to the protest of negotiable instruments for non-acceptance or non-payment, and yet failure to protest when protest is required can impose a heavy financial loss on a bank. Bankers are inclined to protest every unpaid check or draft over the \$500 protestable minimum even though frequently they are inland bills of exchange and protest is not required. Perhaps the banker feels it is better to protest too often than not often enough.

2. Joint Accounts: Many bankers are not as careful as they should be in distinguishing between a joint account where two signatures are required for withdrawal and a joint account with right of survivorship where either depositor may make withdrawals. These two types of joint accounts are quite different and have been the subject matter of many lawsuits. A bank can avoid much trouble and ill will by first determining which type of account the depositors prefer, then using proper signature cards distinguishing between the two classes of accounts.

3. Forms of Loan Papers: Banks generally use printed forms of notes, deeds of trust, conditional sale agreements and other loan forms. In many instances these forms have been copied from those used by other banks or lending agencies. It would be well for an attorney to examine all such forms used by the bank which he represents to determine if corrections should be made. Recently I had occasion to examine a note used by a Mississippi bank and found that it contained no provision for the usual waiver by endorsers of presentment, demand, protest, etc.

4. Stale Checks: In banking parlance, a check is "stale" when it has been outstanding an unreasonable length of time. Banks are sometimes faced with the problem of whether to pay such checks when finally presented. Mississippi, unlike many states, has no law defining a stale check or authorizing a bank to refuse payment of such a check. Within the past two months a bank in my area of the state refused to pay a year old check of one of its good customers on the mistaken theory that Mississippi has a statute outlawing a check which has been outstanding a year or more. Needless to say, that particular banker, by not knowing the law under which he operates his business, did not impress his customer very favorably.

5. Probation of Claims: Bank attorneys should impress on their banker clients that whenever a note is to be probated against the estate of

a deceased maker or endorser, the attorney, and not the banker, should attend to the probation. Banks usually prefer to withdraw the original note after it has been probated and substitute a copy. You will recall the decision of our supreme court, in *Merchants and Manufacturers Bank v. Fox*, denying the bank involved the right to collect a \$10,000 note which had been properly probated but then withdrawn without the clerk correctly certifying the retained copy.

6. Deceased Depositors: One of the most troublesome problems which confronts bankers is that of whether it is safe to pay small balances to the heirs of deceased depositors. Frequently, the depositor left no estate other than a small bank account and the heirs request the bank to pay the funds to them without requiring administration.

Generally bankers wish to cooperate where by proper affidavit it can be shown who the heirs are and that there are no debts. As bank attorneys, it would be well to call the attention of your banker clients to the statute in Mississippi authorizing a bank to pay to the nearest relative of a deceased depositor as much as \$300 without the necessity of administration.

7. Statute of Limitations: It is important for bankers to be familiar with the statute of limitations affecting notes. During the past few years loans have been paid promptly and the question of when notes are barred by the statute of limitations has been an academic one. While it is not possible to accurately forecast the future, I expect that in some instances loans will require frequent renewals before ultimate payment and the question will arise as to how long the original note will continue in force. This is particularly true of notes secured by real estate.

8. Usury: During the depression of the early thirties and the years following, many banks in attempting to foreclose a debt or obtain judgment against the borrower were confronted with the defense of usury. Usually there was no basis for such a contention. However, I recall one instance of where a banker, in attempting to force collection of a note, wrote the borrower that if the note had to be renewed, the interest would be increased from 8% to 10%. The note was renewed and at 10% interest. Later the banker voluntarily reduced the interest to 8% but the damage had already been done. It is obvious that this banker displayed either poor judgment or a profound ignorance of our usury laws.

Time does not permit me to continue with these practical illustrations of everyday legal problems which confront bankers. No doubt many others occur to you from your experience as practicing attorneys.

In conclusion, let me leave this thought with you. In every community lawyers and bankers occupy positions of prominence, and although they acquire less of this world's goods than many of their clients and customers, they have the satisfaction of knowing that their fellowmen look to them for advice and guidance both in their personal and business affairs. The successful practice of law, as well as the successful operation of a bank, depends not only upon technical knowledge but also upon gaining and holding the confidence of those with whom we deal. To abuse that confidence is to ultimately invite failure in our chosen vocations.

President Stone then called on Mr. Oliver Hornsby, of Natchez, who introduced Mr. W. Percy McDonald, of Memphis, who delivered the following address:

THE LAWYER IN THE FIELD OF INSURANCE

W. Percy McDonald

I doubt if there's any business in the United States that's operated so completely under the direction of statutory law as insurance. The statistical insurance records are not very old in America. In 1859 they started fire casualty and life with the setting up by law of the New York Insurance Department. At this time, during that year, the first actuarial table showing the expense of the Mutual Life of New York was filed. That was the first actuarial document to be filed. Since then for the past 90 years much statistical data has been gotten together.

Those interested in automobile insurance will be interested to know that two billion dollars of premiums in 1948 were paid in that field alone, and casualty was practically two billion dollars of premiums also.

The growth of the insurance business has forced many lawyers to become specialists in the field of insurance.

The lawyer has always been an important factor in insurance. The basis of the business is the insurance contract. Every problem of the insurance business is related to that document. As types of contracts have multiplied, and each has become more complex, the work of the lawyer has increased, whether as drafter, interpreter, or advocate.

The humblest person today has many and varied interests which must be protected by insurance. The interest of one man deviates so greatly from the interests of another that no "slot machine methods," no mail order solicitation and sale, can be adequate to guarantee security to the purchasers of insurance.

An insurance policy is more than a piece of paper, it is a promissory note, with this difference, that it may never have to be presented for payment. But, if the day comes when catastrophe strikes, that insured is happy who can unload all of his troubles on the writer of that promissory note, the insurance company.

At the Seattle convention of the American Bar Association last year, I heard an attorney start his paper by stating that he would offer the same prayer that the colored preacher used as he began a series of revival meetings in southern Mississippi turpentine camps,—

O Lawd, gib dy serbant dis evening,
De eyes ob de eagle and de wisdom ob de owl,
Connect his soul wid de gospel,
Telephone in de central skies,
Luminate his brow wid de sun ob Heben,
Turpentine his 'magination,
Grease his lips wid possum oil,
Lectrify his brain wid de lightnin' ob dy word,
Put petual motion in his a'ms,
Fill him plum full wid de dynamite ob dy glory,
Noint him all ober wid de kerosine ob dy salvation,
And den, dear Lawd, set him on fire.

Could I have all that happen to me, I might address you in a manner worthy to be remembered.

June of 1944, when the Supreme Court of the United States announced its decision in the *Southeastern Underwriters Association* case, marked the turning point in the insurance business of the United States. It upset one of America's firmly established legal concepts that "the business of insurance is not commerce."

This was an event which had far reaching significance, not only to the insurance industry but to the public and the various states.

This immediately brought up the question as to what extent the Federal Government would take over the supervision of insurance, and what would be the effect of state regulation of the insurance business.

About the same time there could be recognized a certain school of thought advocating governmental insurance, through a revolving fund in the United States Treasury. As a matter of fact one or more bills of this nature were introduced in Congress.

The insurance buying public was also beginning to realize that there are so many kinds and so many forms of insurance, that it was a brave or reckless man who attempted to look after his own insurance.

The largest corporations in the country started employing high salaried insurance experts to look after the purchasing and handling of this insurance.

Thus, the insurance industry had three problems to solve:

1. Federal or state regulation.
2. The threat of governmental insurance competition.
3. The new approach of the insurance buyer.

With the threat of Federal regulation, the insurance industry necessarily turned to the legal profession for advocates and negotiators, and you will find lawyers advising on the other problems I have mentioned.

It is interesting to note that, in reading the Congressional Committee hearings leading up to the passage of Public Law 15, attorneys representing companies and insurance associations took a leading role. It is a perfect illustration of the need for lawyers to understand insurance.

The Association of Casualty and Surety Executives, The National Board of Underwriters, American Mutual Alliance, American Life Association and any number of insurance associations that I might mention all have full time attorneys to advise them.

One New York insurance company has a law department of 70, another of 52 lawyers. A large number have 30 or more.

Outside of the company and insurance associations, organizations like the 70 year old American Bar Association (40,000 members), the International Association of Insurance Counsel, The Federal Lawyers Guild, and other lawyer groups have worked to try and answer these new questions.

Modern insurance is permeated by the law and the lawyers. It is impossible to think of the insurance business without thinking of the lawyer's role.

If the business man finds it difficult to live with his lawyer, he finds it next to impossible to live without him.

Public Law 15 caused great concern to the insurance companies. State regulation was welcome, as an alternative to government supervision, but the foot of the national government was in the doorway. Recently it was suggested that life insurance companies and their investment methods be subjected to governmental control.

The general counsel of the Securities and Exchange Commission has advanced the idea that life insurance policies are "securities" and therefore that commission should regulate life insurance companies.

The *Southern Underwriters* case had hardly been announced before the suggestion was made that, since "insurance was commerce," it might be regulated by other Federal statutes, to wit: The National Labor Relations Act, The Fair Labor Standards Act, and The Federal Trade Commission.

It was the insurance lawyers that advised what could be done to strengthen and improve the state regulation of insurance so as to minimize the need for Federal regulation.

As a result of these studies, there has been introduced in all states, I am not certain about Oklahoma, statutes relating to unfair methods of competition, unfair acts, and practice in the business of insurance. This is a fair trade act at the state level, but most important are the acts passed regulating the making, filing and use of rates, and to regulate rating organizations for fire, casualty and surety companies.

Aircraft and marine insurance are not included in these rating laws.

The insurance world worked together in composing these model bills to be presented to the various legislatures. These bills are referred to as "All Industry Bills."

Lawyers who handle litigation for insurance companies quite naturally reach the conclusion that the fortunes of insurance companies are largely bound up in litigation.

It can readily be demonstrated that insurance companies may stand to loose much more by the enactment of one harmful law than they will lose in many lawsuits.

For instance, the enactment of co-defendant laws or laws permitting the fact that the defendant is insured to be established on the trial of a liability claim; comparative negligence laws; and laws increasing workmen's compensation, increased tremendously the loss ratio of companies liability insurance.

It is therefore not with conceit but from personal experience that I can say that the defeating of harmful legislation and obtaining the enactment of constructive insurance legislation ranks with trial work in its importance to the insurance companies.

While those of us who have had this experience are sometimes called "lobbyists" rather than "legislative counsel," we still believe that the insurance company should no more be expected to allow adverse legislation than lawsuits to go by default, and that we are justified in defending our companies before legislative committees as the trial attorney is in the courts.

To me there seems to be much in common between handling legislation and litigation for insurance companies.

The trial attorney recognizes the difficulty in bringing a jury to his viewpoint, legislators are just as difficult to convince. You have the advantage of being able to pass upon your jurors. Legislators are not so restricted, and are influenced in their decisions by many considerations.

Legislative work is a story of action, often swift and tense, particularly in the closing days of the legislature when one becomes tired and worn.

I recommend to all of you an active interest in legislation not only because of the great benefit to the public, and the insurance companies, but as an interesting and educational diversion from your trial work.

The fundamental fact is that insurance is an essential public service, and that its only justification is its use to the public. The lawyer or insurance counselor who understands insurance will have nothing to worry about in the immediate future. There is a tremendous future ahead in the insurance field for him.

President Stone then called on Mr. James Thames, of Vicksburg, who introduced Mr. Lester Asher, of Chicago. After responding to the introduction, Mr. Asher delivered the following address:

THE LAWYER IN THE FIELD OF LABOR

Lester Asher

To union members, lawyers are divided into two opposing camps. There is the employer lawyer, the symbol of darkness and evil, who is detested far more than the employer whom he represents. And then there is the union lawyer, the labor attorney, a nobler character, but still a lawyer and, therefore, unworthy of wholehearted acceptance; a sort of necessary evil required by the complicated labor laws of our day.

Most union members would probably agree with Milton, who said of lawyers that they ground "their purposes, not on the prudent and heavenly contemplation of justice and equity, which was never taught them, but on the promising and pleasing thoughts of litigious terms, fat contentions and flowing fees."

As far as employer lawyers are concerned, I think that most union members would also agree with Harold Laski, of the British Labor Party, when, in his book on *The American Democracy*, published in 1948, he characterized our lawyers in these words:

Lawyers have been the guardians of immense vested interests. They have organized the major offensive weapons employed in the fight against any group, whether a trade union or the League of Women Voters, which sought to promote any kind of social legislation. They have, indeed, built a partnership between themselves and big business which has often seemed a barrier to all social change. They are rarely interested in the law, and still more rarely in its relation to justice. Their business is to protect big business against the trade-unionist, the reformers, the semi-organized farmers and even the general public.

The attitude which many union members have towards a lawyer who represents employers goes back, I believe, to the era of labor injunctions and joins together in a common hatred the lawyer who sought and drafted the injunction against unions with the judge who granted it. Union people believe that in the initial, the fighting stage, when the union is battling for recognition, it is the company lawyer who marshals the forces against them. They see the lawyer for the company, not as a high-minded symbol of law and legal learning, but as the individual who writes the speeches against unionism, who decides what union leaders should be discharged on some pretext or another, and then stalls and litigates all efforts to get the key union organizers reinstated, until in the end the union is defeated. In the stage of negotiations, when both sides meet across the bargaining table, they see the lawyer for the company as a stodgy, highly technical and legalistic individual who always uses such terms as "management prerogative," and "proprietary rights" as support for a company position which to the union member is merely unfair and unreasonable.

To most union members it is clear that it must have been a lawyer who figured out the contention that although an employer has reached an agreement with the union which represented his employees concerning wages, hours and working conditions, it could nevertheless refuse to sign any contract embodying the terms of the agreement. Such a position, was to unions, obviously a refusal to bargain collectively in good faith. It was a simple and basic proposition that employers, who were always demanding responsibility on the part of unions, could not refuse to sign and still argue that they were bargaining in good faith. The Supreme Court of the United States had no trouble whatever with the problem and in 1941, in the case of *Heinz Company v. N.L.R.B.*, 311 U. S. 514, held that the requirement of bargaining collectively required that the agreement, when made, be reduced to writing and signed.

Similarly, union members always thought it self-evident that if the law required bargaining about wages and conditions of employment, it certainly applied to discharges and the age at which a person's employment was to be terminated. You will recall, however, that early in 1946, Inland Steel Company announced that employees reaching 65 would automatically be retired under its retirement and pension plan. The union protested, but the company refused to bargain with the union over its retirement and pension plan, and said this was a "management prerogative." The National Labor Relations Board found that the company's position was wrong and ordered it to bargain. The board stated that the

benefits of these retirement and pension plans are akin "to wages" and "other conditions of employment" about which you have to bargain. In an opinion which was unanimous on this point, the Court of Appeals at Chicago last fall agreed with the board (9-23-48). Just about a month ago, the Supreme Court refused to grant certiorari.

It was also held in *N.L.R.B. v. J. H. Allison Company*, 165 F. 2d 766 (C.C.A. 6th, 1948), that individual merit increases are the type of wages or rates of pay that constitute a required subject of collective bargaining. About a week ago, the United States Court of Appeals at Boston held that employee group health and accident insurance plans are compulsory issues for collective bargaining. The court's decision upheld an N.L.R.B. ruling involving W. W. Cross and Company.

All of these propositions are clear and simple to union members. They believe that these decisions represent only delay and litigation inspired by foxy lawyers representing employers and that even the employers themselves would agree with the reasonableness of the union's position that these are issues for bargaining.

Nor does the union attorney command a more enviable position. To his colleagues at the bar, he is often considered somewhat "politically suspicious," a sort of radical or crank.

Since a union is a unique combination of a businesslike organization which is striving to improve the working conditions and wage scales of its members, as well as an organization dedicated to general ideals and the overall cause of the underdog, many unions tend to require that their lawyers be, not someone learned in the law, but a type of soap box orator who can pep up a union meeting. The trend in labor circles, however, is away from choosing a lawyer by his leanings and more and more towards selection on the basis of sound legal ability. Thus, Arthur Goldberg, who represents the C.I.O., was an outstanding student at Northwestern University and the firm which he heads in Chicago has a well rounded and active general practice. J. Albert Woll, the present general counsel for the A. F. of L., was for many years with the Department of Justice and he achieved a splendid record as United States attorney at Chicago.

But for the most part, even to his own clients, the labor lawyer is looked upon as a necessary evil, to be used only as a last resort. Unions, in general, will call for the services of a lawyer only when they are in trouble, when they are about to be enjoined or are involved in some other lawsuit, but not normally for advice and consultation before engaging upon a course of conduct. Unions have traditionally used legal services as a type of emergency surgery.

This dislike of lawyers in industrial relations is not found only among labor unions. Both sides of the labor relations field seem to want to avoid having anything to do with lawyers. In an article which appeared in the *American Bar Association Journal* for July, 1948, W. Willard Wirtz, a professor of law at Northwestern University, states:

The view is frequently expressed, by union and management officials alike, that 'lawyers always hurt labor relations more than they help; they just aren't qualified by nature for our kind of problem.'

Many management sources openly suggest that a lawyer not be used in collective bargaining negotiations or in any of the processes of industrial relations. Several labor contracts expressly provide that neither side shall be represented by an attorney in negotiations or in grievance procedures.

Actually, both labor and management can benefit tremendously by utilizing the services of lawyers in the field of industrial relations. Most lawyers have the experience in skilled draftsmanship which is needed in setting down a collective bargaining agreement, and, most important, they have the training and ability to anticipate difficulties which may arise in the future. In addition, they can, if they only want to, lend to labor and the employer a balanced and independent judgment which will afford stability and maturity to all phases of the union-management relationship.

Before he can be fully accepted and utilized in the labor scene, however, the lawyer must reshape and broaden his own outlook so that it will be in line with the needs and problems of our time.

First of all, it is of basic importance that lawyers for both sides realize that labor relations are human relations, and they involve all of the dynamic and spiritual values of life itself. To keep up with this moving and vital field, a lawyer must divorce himself from any deep affection for the status quo, for the certainty of precedent, and for the formalism of the courtroom. Lawyers must realize that in all labor cases, unlike lawsuits which are settled in court, the relationship between the parties involved is a necessarily continuing one and it is going on after the pending case or dispute itself is over.

In addition to giving up his courtroom role of an advocate, the lawyer in the field of labor must acknowledge frankly and completely that this is an ever changing and dynamic field. What may be a management right or prerogative today, may well be an accepted term of bargaining tomorrow. The employer lawyer, particularly, must be willing to acknowledge the validity and wisdom of change and join with representatives of labor in at least understanding that law must be adapted to life and living organisms.

Part of the difficulty in this field lives in the fact that our usual legal education does not meet the requirements of the labor scene. No one can appreciate and understand the living and vibrant realities of a labor situation by reading cases as we did in law school.

A lawyer in the field of labor must, in my opinion, steep himself in the economics and history of the labor-management relationship. Whether he likes it or not, the lawyer for the employer must, in order to do a good job for his client, read trade union history and try to understand why unions are a part of our democratic system, what needs they fulfill and what goals they are striving to attain. And it cannot harm a lawyer for unions if he studies the problems of management and of production.

Above all else, lawyers for both sides must realize and believe in the mutuality of interests between labor and management. All too often, lawyers representing employers have a tendency to consider the idea of unionism as being subversive. I am not aware of any fundamental

disagreement between management and organized labor concerning the desirability of our free enterprise system. The trade union movement in our country, most certainly every union which I represent, is not revolutionary and is not dedicated to an economic program of state control or socialism.

I can see no need for there being employer lawyers and union lawyers, facing each other in opposing lines of battle. To date I know of no lawyers who have successfully represented both of these interests on any large scale, but it should be possible, and it will come about, when there exists a full understanding and an acceptance of the role which each side plays in our American economy.

Elihu Root said in 1921: "The law is a public profession by which, more than by any other profession, the economic life and the government of the country are moulded." I feel certain that in the dynamic and ever-changing field of labor, lawyers can guide unions and management into ways which make possible a better world.

President Stone next called on Mr. Frank Everett, Jr., of Vicksburg, who introduced Mr. H. H. Hudson, Associate General Counsel for the Phillips Petroleum Company in Oklahoma. After responding to the introduction, Mr. Hudson delivered the following address:

THE LAWYER IN THE FIELD OF OIL

H. H. Hudson

Being an oil company lawyer, I suppose that I might be expected to talk about the complexities of the oil and gas law. I have no such intentions. It already sounds complicated enough. Conservation of oil and gas, protection of correlative rights, proration of oil and gas, unitization of pools, voluntary and enforced, these terms all sound as if they involve fundamental legal principles new and peculiar to the oil and gas business. As a matter of fact, there is little that is basically new in the oil and gas law. In my opinion the analogies adopted by the courts of the various states have been overcome: percolating waters in one case, wild animals in another, solid minerals in another. They all recognized one fundamental right, the right of a land owner to produce oil and gas from his land regardless of the fact that it may have come from under land of others. The so-called law of capture is recognized by all of the states. There was nothing new in that law. The courts had plenty of precedents for such shifting ownership in the law of riparian rights. Parenthetically I should like to say the oil and gas lease with its equitable forfeitures is not a new and strange or terrifying creature as so many seem to make it. It's a contract and is so constructed and enforced.

For more than 50 years legislatures have been enacting statutes modifying or controlling the exercise of this law of capture, to which I referred, in order to conserve oil and gas resources and protect correlative rights. For 50 years now a continuing legal fight has been going on over the constitutionality of these statutes. But, oddly enough, there's nothing fundamentally new in the principles involved in these statutes or the decisions upholding them. The trail blazed by this battle has been lit by landmark decisions about which most of you know. The *Ohio Oil*

Company decision in 1900 on blowing gas into the air, *Walls vs. Midland Carbon Company* in 1920 on wasteful usage of gas or carbon, the *Champion Oil* decision in 1932 considered a landmark on the proration of crude oil to meet market demands, these were all based on the power of the state to conserve its resources and protect correlative rights of common ownership.

Each of these, and many others along the way, were thought by many to have produced something basically new and peculiar to the oil and gas business, and not a one really did. Now we are litigating in Oklahoma the validity of a statute for forcible unitization of pools under certain circumstances. Even there the legal principles involved are not new or peculiar to the oil and gas business. Long before oil and gas conservation and proration or unitization laws the court had held in the *Midland* case that whenever separate owners having rights in a common property cannot otherwise enjoy that property to its fullest extent, legislatures may validly enact laws providing for the greater benefit of all and allocating the costs and benefits among them, precisely the principle applied to oil and gas conservation, proration and unitization.

An example perhaps closer to home would be your levee district law and the laws which I understand apply to the creation of seawalls, involving private property, but laws for the benefit of the many.

Little is fundamentally new in the principles of these oil and gas laws. It was rather a case of increasing application of old principles to a new resource. Essentially, it has been a matter of local, state concern. In my opinion, the production of oil and gas are as local as the production of cotton and peanuts and corn which are also shipped in interstate commerce. It's conservation has been, and is a proper function of the states.

Your own very comprehensive and up-to-date statute adopted in 1948 is an example of the manner in which the states are meeting the problem.

In the last few years there has been much talk about Federal control of the oil and gas business. Fingers have been pointed at the flaring or popping of casing head gas in west Texas, as elsewhere, and to other wasteful practices in the past as evidences of failure of state control. We have not the time to discuss the political philosophies involved, but I wish to point out there's not one bit of evidence that the Federal Government would have done, or would do, any better.

As I have already indicated, the development of oil and gas laws has produced no basic principles of law. The development of conservation of oil and gas has been less a development of the law than the development and education of the public to the consciousness of the necessities. The way was clear, but the public conscience was not awake.

If the Federal Government had had the control from the start, the same education would have been necessary and substantially the same constitutional issues would have been fought out. Certainly no one has ever bothered to insist that the Federal Government has been a model for elimination of waste. It has been my understanding that Mississippi is not exactly a hotbed of agitation for the pre-emption of state powers by the Federal Government, so I assume you agree this is a threat to be

taken seriously. The danger to the oil and gas industry does not presently lie in direct threats of Federal control, but rather in the insidious approach that is faced now in the administration and judicial interpretation of the Federal National Gas Act.

In 1938 Congress enacted this act after the Federal Trade Commission found that interstate gas pipeline companies held a monopolistic position and were making excessive profits. The act declared all persons who transported natural gas in interstate commerce, or sold natural gas in interstate commerce for resale to be national gas companies and subjected to regulations by the Federal Power Commission. In short, it made all such companies Federal public utilities.

In view of the fact that the pipeline companies were pioneering a superior fuel into a market which never had it before and selling this new fuel at prices far below the prices of competitive fuel such as coal, it might be a proper subject of classroom debate as to whether or not the act was needed at all, regardless of the profits. Be that as it may, we now have the law.

Now these pipeline companies have some characteristics similar to those of typical public utilities. Such a pipeline is not built until there's assured supplies of gas, and it contracts with distributing companies and industrial buyers for an assured market. Once built, it's subject to minor changes, unless it's extended into new areas. So, it has an assured supply, an assured market, and therefore, a comparatively fixed investment. It's rates can be regulated on conventional utility standards by allowing a certain rate of return on its properties or investment, its so-called rate base.

Pipeline companies produce some of their gas, but we purchase by far the greater part of it from gas line plant operators at the wells and the exhaust of gas line plants.

For the benefit of those of you not familiar with natural gas line plants, a natural gas plant operator gathers gas through a system of lines in the field from many wells and processes it in a gas line plant. He is a gatherer and processor of gas. Some of the gas may be from his own wells, the rest he gathers either by purchase contracts or processing contracts. Frequently, most or all of the gas is casing head gas produced together with oil. Usually he has to agree with the producer to return to the lease all of the processed gas the producer needs for lease operations for the production of more oil. It's vital to the producer that he have that right. As you probably know, he has to use it for repressuring operations, recycling operations, and gas lift as it is called. The repressuring and recycling operations return the gas to its original form to maintain the pressure so the oil can be produced.

Rate-fixing standards may be applied, with some exceptions, to a good pipe line company which has an assured supply and an assured market and a comparatively fixed investment. But, to try to apply such standards to a producer or gas line plant operator would produce utterly terrible results.

Regarding all this, Congress provided in the Natural Gas Act that its provisions not apply to "production or gathering of natural gas." For

several years everybody, including the Federal Power Commission, thought this meant that the commission did not have the power to regulate prices of producers and gatherers of gas. But, during the past few years the commission has been asserting increasing jurisdiction and in 1947 in the *Interstate Natural Gas Company* case which involved operation in Louisiana, just across your line, the Supreme Court sustained an exercise by the commission of rate jurisdiction over a producer and gatherer and in that decision held that the exemption of production or gathering under the Natural Gas Act applied only to physical operations and not to sales.

Incidentally, it said that if there might be conflict between state regulations and that of the Federal Power Commission, such conflict must be clearly shown. That would be an impossibility as a matter of clear proof.

There are several bills now pending in Congress to amend the act, to exempt producers and gatherers from regulation. In hearings on these bills, one of the commissioners, representing the majority, asserted that the commission should have the power to regulate prices of producers and gatherers, particularly the large ones, with the commission to determine which are the large ones.

Many producers and processors, not relishing this regulation, have put escape clauses in their contracts giving them the right to terminate their contracts with the interstate lines if they are subjected to regulations or their prices reduced. This same commissioner has advised Congress that these escape or termination clauses are void. If he is right a producer cannot put any valid termination clause in his contract, his gas sales contract, because if he can't terminate for one reason, he surely can't terminate for another. This merely means that if a producer or processor undertakes to sell any of his excess gas to an interstate pipe line company for however short time, he is bound to continue as long as the Federal Power Commission requires him to, and at the prices it dictates. That merely means, further, that if a producer in a contract with a pipe line company reserves the right to take his gas when he needs it for his own lease operation, the Federal Power Commission would have the power to deny him that right, no matter how much he might need the gas to produce his oil or to comply with state conservation requirements.

Whether or not this commission is right on this point, a hopeless conflict is bound to result between the jurisdiction of the Federal Power Commission and the jurisdiction of the state conservation agencies.

This, ladies and gentlemen, is what I have referred to as the "insidious" approach. It's probably the most serious issue with which the oil and gas industry is faced today. It's a most serious threat to the control of the states over their resources. It's a long step toward complete Federal control of the oil and gas industry, and if our oil and gas industry is first, which of our other industries will be second, third and fourth?

Ladies and gentlemen of the Mississippi Bar: as members of the legal profession in a rapidly developing oil and gas producing state, you have a large stake in the oil and gas industry, and a vital interest in this issue.

President Stone then called on Mr. J. K. Travis, of Hattiesburg, who introduced Dr. Frank Welch, Dean of the School of Agriculture of Mississippi State College. After responding to the introduction, Dr. Welch delivered the following address:

THE LAWYER IN THE FIELD OF AGRICULTURE

Frank Welch

In the field of agricultural research we don't have much affinity with the interests and procedures of the lawyers as I understand them. I am told that lawyers are great followers of precedent and I am reminded of the verse that I saw on a tombstone over in the cemetery in northeast Mississippi close to Alabama.

Remember, friend, as you pass by,
As you are now, so once was I.
As I am now, so you must be—
So prepare to follow me.

Some local wit had added to that:

To follow you, I'm not content,
Until I know which way you went.

Those of us working in the field of agriculture, and particularly in the field of research, have to follow many leaders without knowing whether anyone has ever traveled that way. I presume, from what I have heard this afternoon, that the lawyers don't stay too close to precedent under all circumstances.

I think it's necessary that the lawyer understand and appreciate some of the problems in which agriculture is interested, and some of the problems we face at the present time. Our welfare is a mutual one in Mississippi. Mississippi is still predominantly rural, some of you lawyers may not want to admit that, but statistics show that's true. We have a higher percentage of our people gainfully employed working in the field of agriculture than any of the other southern states. For that matter, I think it's a higher percentage than any state in the Union. That's true in spite of the fact that during the last century the number of people employed in agriculture has been reduced from 70 percent of the total to about 17 percent at the present time. In Mississippi we have about 58 percent of our gainfully employed people working directly in the field of agriculture, and, of course, many more are dependent directly on the welfare of that great industry.

Now, it's necessary that the lawyer understand and appreciate the problems of agriculture because you are the fellows that make the laws and interpret them, and administer them by and large, whether we like it or whether we do not. We have reached a period in our economic development where the things that are done to the farmer are as important, or more important, in terms of his welfare as the things that he can do for himself. So, law administrative power is vitally important in terms of his welfare. In regard to the relative importance of the legal profession in the formulation of laws I don't need to remind you that the rest of us have had little opportunity or have taken little opportunity to participate in that area of importance, in terms of human welfare.

As an illustration, take our present membership in the legislature. Eighteen members of that body were law students when they were elected. Over a third of the membership, in fact close to a half, is made up of lawyers. As far as I have been able to determine, we have had only two non-lawyers in the governor's office during the last half century or more. I am not sure that we have had a non-legal man in the halls of Congress in the last half century. So, you fellows carry an opportunity and a vital responsibility during these days when so many of our lives are influenced by the laws that are passed, and by the administration of these laws, in understanding the problems and the hopes and the aspirations of our people. You fellows are also interested in agriculture in a more direct way. Many of you are actual farm operators. It has been my observation that those of you in the field of agriculture do a better than average job in terms of efficient operation, and in terms of scientific management. That's usually true because of the fact that you have the requisite capital to make farming a business.

Others of you are interested in agriculture in that your clients are agriculturists, and of course if they are prosperous they are in a position to make others that serve them prosperous. Of course, we are all interested in agriculture whether we be professional agricultural workers or whether we be lawyers or business men or whatever we may be.

I want to talk with you very briefly about some of the problems of agricultural policies and programs. You know we came out of the last war, and depression hit agriculture before it hit any other group. It looks like history may repeat itself again in the field of agriculture. Physical production was reduced about 10 per cent. Prices, with reference to a good many commodities, dropped 90 percent. Ninety percent, that's a tremendous break, one we can't afford to have again in the future. For industry as a whole, production was reduced about 90 percent in a good many of our industrial production fields, and prices only dropped about 10 percent.

We are moving into a period of adjustment, as I have indicated. It's been deferred. The economists told us two or three years ago that agriculture was in for an adjustment. We assumed the responsibility for rehabilitation in Europe on a scale no nation had assumed or undertaken before. It has deferred that period of adjustment. But, looking ahead and taking account of the fact that production in the field of agriculture in the next five to ten years will be 50 percent above what it was in 1930, we are going to run into some of the old problems of marketing and prices that we wrestled with in the late twenties and in the thirties preceding World War II.

Now we have some provisions, some laws, that have been suggested with reference to agriculture, that we look with great concern on, those that would take away the privilege of choice on the part of the farmer in order that he might be able to get some protection and some support in terms of the price for his commodities. At the present time we have three policies or programs that the Congress is going to have to make decisions on. It's going to be a matter of decision on the part of the legal profession, and we hope they will understand the problems and hopes and aspirations of farm people.

One of these moves is along the line of policies and programs that have been operating in the field of agriculture for the past few years, that guarantees to the farmer certain minimum protection in terms of a parity concept which is a concept which reflects purchasing power at the present time, in terms of purchasing power in the past. An extension of that law keeps in the hands of the farmer a wide range of choice, some believe.

The second bill provides parities on a sliding scale from 90 to 60 percent. I think that law has a good many merits. It throws back on the farmer, himself, decisions that he ought to make, and should not have to look to some administrator to make. It provides flexibility in terms of whether he moves out of one commodity into that of another.

Third is the so-called "Brannan Plan" and I am sure that all of you know something about that. This is a provision that we are afraid will take away the liberty and the choice on the part of the individual and that agriculture will be carried over into the field of an administrated industry.

I don't have the time nor opportunity to appraise with you, objectively, this afternoon, the merits of these three proposals, these three laws, these three proposed pieces of legislation, and the three of them are before Congress at the present time. But, in thinking about the lawyer in the field of agriculture, you, who are leaders in your community, have an opportunity and a responsibility to think these things through, to study these problems and help interpret them on the local level so that the farmer, the agriculture of our great state, will be given the protection that it deserves and must have, and will be able to get that without surrendering our traditional individual liberties. I don't need to tell you that once we have passed out of this era of individual choice on the part of the individuals in one area, that we are likely to pass out of it in another. Agriculture has been one of the traditional conservative industries of America. Once the farmer must go to Washington for every decision that has to be made on his farm in terms of what he can produce and grow and can sell, and in terms of the price of that, then we have paved the way for the growth and development of "isms" in a lot of areas and a lot of ways.

I appreciate this opportunity of meeting here with the Mississippi Bar Association, and I hope that we will be able to join hands in the solution, or the consideration and solution, of many of the problems that are common to you and common to us in the field of agriculture.

PRESIDENT STONE: Thank you, Dr. Welch. That was a fine talk and we appreciate your coming down to speak to us.

Due to the splendid cooperation from our speakers and introducers we are running about 25 minutes ahead of our program. We are going to take up at this time the report of the Committee on Admissions to the Bar. That report will be presented and explained by the Honorable C. S. Tindall of Greenville.

I want to say this: the report was taken up at the Junior Bar meeting yesterday. There was some tendency to criticize the members

for presenting a bill which was termed a compromise. I feel I should take some responsibility for that. Personally, as some of you know, I would like to abolish all bar examinations and require all lawyers to have a degree from an accredited law school. But you have to do what you can do, and having seen what happened to the other bill before the last legislature, I suggested to that committee that they see if they couldn't unite on a bill that all groups could support unanimously, and therefore get through the legislature on the theory that we have been going along a long time and if we could get a quarter of a loaf in raising the standards for admission to the bar, we could get somewhere.

If any of you feel the bill is too much of a compromise don't blame the committee, blame me.

MR. TINDALL: Thank you, Mr. President.

Members of the bar and ladies and gentlemen: On August 20th, 1948, President Stone appointed a Committee on Legal Education and Admission to the Bar to study the work and to draft a bill for submission to the legislature in 1950, which would represent the wishes of the bar and put forth a practical program which would be sensible to the members of the legislature.

You have had distributed to you copies of the proposal which your committee has recently prepared. We may look at that as we go along with the written report.

(For report of Committee on Legal Education and Admissions to the Bar, and copy of proposed bill, see Appendix to this issue.)

I would like to add in further comment to the written report of the committee, in view of the statement made by Phil Stone, that while this proposal is in the nature of a compromise, as viewed in the light of what the bar adopted a year ago and a year before, still we believe it will mark another milestone in our efforts to get a program through the legislature. I think your committee, as a whole, and the bar, as a whole, might feel justified in continuing with the attitude which we took two years ago, and the attitude which was re-adopted by the bar last year, namely: as far as educational requirements are concerned, two years of pre-law college work and three years of legal training. Whatever progress we make must be made through the legislature, and from the experience in 1948, your committee felt that we ought to take this step in a manner which we now recommend.

For those of you who feel it's not as high as we would like to see, I would like to recall to your minds that the present standards of admission and educational requirements in this state are only a high school education or its equivalent, which might mean anything, and the passing of the bar examination. Again, a bar examination will work just so well as the members of the Board of Examination work. If we have a good board, the examinations are fair and well conducted. There may be years when that's not true. So, again we want to submit our recommendation to you. Mr. President, I would like to move the adoption of the committee report.

PRESIDENT STONE: Is there a second to the motion?

MR. JOHN C. SATTERFIELD: I second the motion.

PRESIDENT STONE: He would be glad to answer anything you have to ask. All discussions are supposed to be brief. Has anybody anything you want to say about this or any explanation you want? I think we are all familiar with it. If you have any questions, we would like for you to rise and ask them, or make any remarks you would like to make.

MR. W. A. ELLIS: So far as I'm concerned, I believe that's a good compromise; it's between extremes. As I say, like the other professions, let's raise the standards of the law and not always go back to the days of the dead past. I believe now in the college-bred man.

The motion was then carried by unanimous vote. Mr. George Grubbs, of Mendenhall, abstained from voting.

The report of the Junior Bar Section, Mississippi State Bar, was presented by its president, Mr. George Woodliff.

This report appears in the Appendix of this issue.

Upon completion of the report, Mr. W. N. Ethridge, Jr., of University, moved that it be accepted and adopted. The motion was amended by Mr. J. C. Satterfield, so as to praise the Junior Bar Section on their achievements. The amendment was seconded by Mr. S. V. Robertson, Jr., of Jackson, and the motion as amended was carried.

The meeting was then recessed by President Stone.

SATURDAY, JUNE 4, 9:30 A. M.

The meeting was called to order by President Stone, who then introduced Mr. Walter Dell Davis, Chairman of the Mississippi Workmen's Compensation Commission. After responding to the introduction, Mr. Davis delivered the following address:

THE WORKMEN'S COMPENSATION LAW

Walter Dell Davis

All of you know that the new Workmen's Compensation Act is probably the simplest law ever placed on the statute books of the State of Mississippi. When you have a case there's an occasion to refer to it, and you may decide it's the most complicated bill you have ever heard of. But, as you work with it, it becomes simpler every day. We think it's about as simply written as any statute could be, and when you work with it, you will find it's nothing but a common-sense piece of legislation. That's about all it amounts to. There are certain rules and regulations laid down by the statutes: a common sense application of the handling of industrial accidents.

I was rather mystified when I first saw it and took this appointment. I began to read it and the laws of other states and I got them so confused that I would be quoting the law of Arkansas, Alabama or Florida. I restrict my study, now, solely to the Mississippi act, and when you

gentlemen do the same you will find that it's entirely different from what you had anticipated.

Somebody was asking me in New York how we were getting along down here, and I said truthfully, "We are getting along so well that it worries us."

Everybody expected, and I was one of them, that the state would be in a turmoil over the Workmen's Compensation Act and that the governor would have to call a special session of the legislature. So far as the general public is concerned, the bill has been accepted and has proved very workable. Employers and insurance companies and all others concerned have leaned over backwards to make it a success.

We don't know how long it will last, but it won't last forever. We see a little change every day with the employees becoming a little better acquainted with the law. They are beginning to understand what their rights are, and in the future we anticipate controversial matters. We have only had about 40 controverted cases filed with our commission. In one state where the compensation law has been in effect nine years, about 300 cases a month are handled. In five months we have handled about 40. Of that number about 25 would have been settled or disposed of had the parties on each side understood the law.

So far we have had no appeal from the commission's ruling, but we anticipate some, and in the near future. We want appeals from our commission.

I was making this illustration a few days ago. I was being questioned about what would happen in this case and that case and I said: "Frankly, I don't know. We don't know what the courts of Mississippi will hold."

We had a lawyer before the commission the other day and rather facetiously he stated that his opponent hadn't cited a single Mississippi case in support of his argument. We had to agree with him.

We have got to know what gentlemen like Judges McGehee, Alexander, Roberts, Smith, Hall, and Montgomery say. We can't, frankly, move until we know what the Supreme Court of Mississippi is going to hold, and we anticipate a few cases that will be appealed and we want to see them appealed and see where we stand. We cannot be as liberal as the courts of the East, where labor is very strong. I understand they influence the courts up in that area. They certainly must influence the decisions we read.

Up there it's very difficult to keep the courts from allowing compensation wherever a man is injured, regardless of the circumstances. In the southern states the people, and even the courts, are more conservative and you don't find the liberal payments in the South that you do in the North. But we still can't move and we don't know what to expect until our own courts make a decision on the matter.

Now, I am not going to attempt to discuss the various features of this bill that are clearly incorporated in the act itself. All of you understand that the law provides for payments where employees are injured in industrial accidents, and one of the requirements is that the injury

take place while on the employer's business within the scope of the employment. Most of the controversies come from those fields. For instance, if a man gets his arm cut off on the job, there's no question of a controversy, but hernia cases give us trouble under employer's liability. That's been one of the bones of contention that is difficult for us to handle. Fully 50 per cent of our controverted cases have been hernia cases.

I understand from the commissioners of other states that sooner or later the back injuries will start moving in and that they are hard to diagnose, and that it is difficult to determine the extent of the injury in those cases.

One thing that all of you no doubt are casually interested in is the fee. A lot of people have asked us about fees before the commission. We have tried to look at that from a common-sense viewpoint. Being an attorney myself, and being the only one on the commission, it hasn't been too easy a job to convince the other two gentlemen that an attorney is entitled to a reasonable compensation for what he does. We proceed on the idea that if this commission is too rigid in its requirements and cuts attorney's fees to a minimum, it will be rather difficult to interest the better type of lawyer in compensation cases. It will mean that injured employees who are entitled to, and need legal advice, will be unable to obtain it if those fees are made too unattractive. You can't expect the better lawyers in the State of Mississippi to come before our commission and spend their time representing the employees and go away with fees that will not be in line with the work they have done. The other commissioners have agreed with me on this feature.

The procedure that we have adopted so far is that we will allow no attorney's fee higher than 25 per cent of the total amount recovered. That's our limit. We do that because we are more or less following the scale in other states. In Arkansas it's 20 per cent and in Tennessee 20 per cent.

That doesn't mean that this is the sole fee an attorney would receive if he presents a case before the Workmen's Compensation Commission. If you recall, the statute provides that the commission shall regulate an attorney's fee in matters before the commission, and if there's an appeal from our commission to the circuit court, the circuit judge sets the fee. It's my assumption that he would alter the fee in light of the additional work done, and if the case is appealed to the supreme court, this court sets the final fee.

We have also come to the conclusion that the only way we can pay every employee who is entitled to compensation is to pay only those actually entitled to compensation.

This will appear rather strange to you—we don't approve any compromises. We feel that if a man is entitled to compensation he is entitled to the full amount. If he isn't entitled to compensation, he isn't entitled to any of it. We have to take that attitude on account of the rates that prevail. All of you familiar with insurance matters know that the rates are changeable. They may increase next year in Mississippi or go down. If our record is good in Mississippi there will probably be a decrease, and if the records are bad, there will be an increase in the rates.

I think that there will be a different type law practice from that which we have had in the past; more general practice, and a good bit of advice that needs to be given in relation to the Workmen's Compensation Law. We tell everyone to get a good lawyer if a question arises under the Workmen's Compensation Law.

Any lawyer representing a client before our commission will earn any reasonable fee that he receives as a result of that work.

We have every reason to believe that the Workmen's Compensation Law will work in the State of Mississippi. There would have to be a certain turn of events for the contrary. If it doesn't work, we will be greatly surprised. It should prove to be one of the finest things ever done in the State of Mississippi.

President Stone then introduced Mr. Joseph E. Brown, of Vicksburg, who delivered the following address:

THE FEDERAL TORT CLAIMS ACT

Joseph E. Brown

I want to talk to you about the Federal Tort Claims Act, passed in 1946, which provides for suits against the government for negligence and injury by employees of the government acting within their line of duty or the scope of employment. A good many lawyers in the state probably don't know you can file a damage suit against the government, and why I am up here as United States attorney giving publicity to the fact that it can be done is something that I can't explain to you on the basis of reason.

It reminds me of what happened some years ago when our state attorney general was circuit judge. There was a certain popular young man, but rather wild, and to be perfectly frank about it, he was indicted for rape. The district attorney was arraigning him, and the courthouse was full of people, and the district attorney wanted to take advantage of the chance for publicity. He was reading the indictment in a sonorous tone, "so and so did feloniously rape, ravish," and the boy touched the district attorney on the arm and said: "Don't read it so loud."

The act might be divided into two parts: the administrative portion and the judicial portion. Claims against the government or some Federal agency, sounding in tort, where the demand is \$1,000 or less, may be handled by the head of the Federal agency involved or his designate. Claims of over \$1,000 are filed in the district court of the United States of the district where the negligence or omission occurred, or where the plaintiff resides.

If the claim is filed administratively to start with, and new evidence is discovered, on 15 days notice the administrative claim may be withdrawn and the suit filed for over \$1,000, provided the averment and the proof show the newly discovered evidence which justifies the increase in the claim.

There are a number of statutes relative to the Federal Tort Claims Act which are of some importance in specific instances but not of general

importance. For instance, the new Title 28 permits an appeal to the court of appeal in the district where it was rendered. However, if all of the appellees agree in writing, the case may be assigned to the Court of Claims to be heard on review.

No punitive damages may be allowed under the Federal Tort Claims Act, the damages, which are unlimited as to amount, being restricted to compensatory or actual damages. However, in as much as some states provide that for certain types of action only punitive damages may be allowed, the Tort Claims Act provides that in those states where only punitive damages are allowed, when the suit is filed under the Federal Tort Claims Act, the test is compensatory or actual damages.

Now, as to attorney fees. I noticed everybody perked up and took renewed interest when attorney fees were mentioned. Where the recovery is had administratively for \$1,000 or less, handled administratively with the head of the Federal agency, the attorney's fee is limited to ten per cent. Under the second part of the act where the litigation is judicially in the district court of the United States, the fee is limited to 20 per cent. There's a \$10,000 fine and a year in jail, I understand, for anyone who violates that provision. However, in as much as the attorney's fees are usually, under the terms of the act, set in the order or decree, whether it's a result of a trial or by compromise under the authority of the attorney general, there's very little likelihood that any of you will have to pay any part of that fine or serve any part of that servitude, because in all of the cases handled, the matter of fees is reviewed and set by the district court. Those attorney's fees are paid out of, and not in addition to, the award.

There's one more thing I would like to mention about this act that might be of interest to the members of the bar. The act as it now stands definitely provides for the trial of the case without a jury. The act of 1946 used the language, "tried by the court, sitting without a jury." The act now says, "shall be tried without a jury," making it rather definite that a jury is denied.

Judge Chestnut held in a recent Federal case, which has been followed by several other cases, that a jury could be allowed where an individual or corporate defendant was joined with the government. The act was silent in the 1946 version and is silent in the 1948 version as to whether one can sue another tort-feasor with the government. There have been a number of suits filed where the plaintiff sues both the government and the individual, or corporate joint tort-feasor. It was, about a year ago, the policy of the Department of Justice that under the Federal act no other defendant, individual or corporate, could be joined with the United States. The act didn't specifically prohibit the joining of a co-defendant with the United States, but the reasoning of the department was, and the reasoning of some of the earlier decisions was, that in as much as the case against the government is to be tried without a jury, and in as much as any other joint tort-feasor has a right to a trial by jury as a matter of law and as a matter of right, a reasonable interpretation of the act would preclude the joinder of any co-defendant with the government.

Judge Chestnut held, in the decision I mentioned, that you could join another defendant with the government and that the issues could

be divided and separated. The court could submit to the jury under proper instruction the question of liability vel non as against the government's co-defendant and reserve to itself the right to pass on the liability vel non of the government.

I had in my humble way thought that my boss' department as to Mississippi torts was not altogether wise. There is no comparative negligence statute in Mississippi as far as joint tort-feasors are concerned. In New York, yes; one joint tort-feasor can bring the other one in, or if he is not brought in and the first should suffer a judgment, the defendant can compel retribution by the joint feasor. Several other states have that provision but Mississippi does not, and in as far as Mississippi does not have a comparative negligence statute permitting one joint tort-feasor to plead the comparative or contributory negligence of the other, it would appear that it would be strictly to the interest of the others to bring in some other co-defendant—bring in another pocketbook, another muscle to feel, another defendant to help pay the judgment.

Since Justice Chestnut's decision, and other decisions following that, the Department of Justice has changed the policy and the present policy is that there can be a joinder of a co-defendant with the United States and there can be a trial as to the individual or corporate co-defendant. The issues submitted on the question of liability as to the government is reserved by the court unto itself.

I would like it very much, if you find that a government truck has been involved in anything, and there has been a Standard Oil truck or Gulf Refining truck or some other wealthy corporate truck which was also involved, if you join it with the government. I would welcome the entrance into the fray of another defendant who would be ready and able and willing to contribute something to the payment of any judgment.

There are some exceptions I might hurriedly mention to you, under the act, so you won't be serving me with any summons on a thing that can't be maintained. I hope you won't serve a summons on anything that can be maintained. There can be no action against the government for any loss caused by delay or miscarriage of the mails. That's readily understandable. It would take every court, every administrative body, every lawyer, every judge in the country to handle the grievances which could conceivably arise thereby. Nor can there be any claims against the government under the act for any loss or damage suffered on account of the devaluation of money or changes in the monetary system. That's readily understandable. If the country is deflated or inflated, some people make money and other people lose. Now the government doesn't gain anything, doesn't participate in the gains of individuals who gain from changes in the monetary system and, therefore, the government shouldn't suffer by virtue of having to reimburse the losses sustained by anyone.

The individual or personal torts are exceptions to the Federal Tort Claims Act. There can be no recovery on false imprisonment, slander, defamation of character, assault and battery. That's also readily understandable.

Another thing I want to mention in closing is that the act specifically provides that regardless of what agency participated in the negligent act or omission, you can't sue that agency in the name of that agency, such as the Reconstruction Finance Corporation or the Public Housing Administration or the Mississippi River Commission or any of those, even though the act creating those governmental entities permits those entities to sue and be sued in its name. Nevertheless, the action must be against the United States.

Now, when the action is filed, and telling you ladies and gentlemen this I begin to question my reason and sensibility, process is completed by service of the complaint on the United States attorney by the United States marshal with copies sent by registered mail to the attorney general. Now, although the act provides that the attorneys filing the suit send the attorney general copies by registered mail, the attorney general is so anxious to get those copies that there's a departmental ruling which requires me to send him two more copies, so as long as you have your stenographer and the typewriter going and if you have extra onion skin and carbon, please make two extra copies and mail them to me so I can send them on to the attorney general and won't have to prepare those things myself.

Finally, it might interest you to know I am making no suggestions or recommendations as to any state tort claims act, but it's something frequently discussed. It might interest the bar to know that California, Arizona, New York and Illinois have state tort claims acts and the New York act, like the Federal act, is unlimited as to amount. The latest information is that even under the New York act it has been administered in the courts without any serious dislocation of the finances of that state. It is something that the members of the bar might devote their attention to with respect to state legislation on the subject.

President Stone then explained that, because of limitations as to time, the committee reports would be printed in the *Mississippi Law Journal*. Mr. John Satterfield, of Jackson, then presented the report of the Study Committee, in the absence of Chairman L. A. Smith, Sr. This report is printed in the appendix to this issue. It was approved without amendment, except that Item 14 was amended, and then approved, so as to read that the salaries of the chancellors and circuit judges be increased to \$7,500 per year and that there be included authority for the payment of reasonable expenses to such officials, and that the salaries of county judges be increased to \$5,000 per year. The Study Committee was then directed, by vote, to prepare bills effecting the proposed changes to be introduced in the legislature.

Mr. Satterfield then presented the report on the American Bar Association.

REPORT ON THE AMERICAN BAR ASSOCIATION

As the state delegate to the American Bar Association, I thought that you would like to have a little information about our relationship to, and the activities of, the American Bar Association. I feel that our bar is not familiar enough with the activities of the American Bar Association and the great things it is doing for our profession in the United States.

As my term of office began after the adjournment of the annual meeting of the association in Seattle, this report will largely be limited to matters concerning the mid-year meeting of the House of Delegates of the American Bar Association at Chicago, held January 31st and February 1st, 1949.

For the past nine years Mississippi has been represented by Hubert S. Lipscomb as state delegate, and at the midyear meeting I found that he has the complete confidence and respect of the leaders of the American Bar Association throughout the entire United States, and, as a result, Mississippi is highly regarded by the national bar and has effectively aided in maintaining the interest of our profession throughout the country. Mr. Lipscomb is due the thanks of the bar of Mississippi for his years of service at a personal sacrifice of time and money.

There are many matters now being considered by the American Bar Association which are of vital interest to the Mississippi State Bar, but this report must be limited. Hence, I will discuss only a few matters which are of particular interest to the bar of this state.

1. The House of Delegates referred by a vote of 70 to 67 to its Committee on Jurisprudence and Law Reform for further consideration and report the following resolution, to wit:

RESOLVED, that it is the sense of the American Bar Association that the Congress should propose and the legislatures of the states should ratify an amendment or amendments to the Constitution of the United States as follows:

'Section 1. The Supreme Court shall be composed of the Chief Justice of the United States and eight associate justices in regular active service.

'Section 2. The chief justice of the United States and each associate justice of the Supreme Court shall cease to be a member of that court when he shall have attained the age of seventy-five years.'

A resolution in substantially the same form was adopted by the House of Delegates at its 1948 midyear meeting, but such resolution was referred back to the committee for further consideration and report at the Seattle meeting of the association. We are all familiar with the recent threat of the President of the United States to "pack" the Supreme Court in order to obtain a decision consistent with his views and that a similar threat has been carried out or made perhaps five times in the history of our nation. That the supreme judicial body of the nation should be independent of the control of the executive is one of the foundations upon which our form of

constitutional government rests. It is not free of such control so long as there rests in the hand of the chief executive, aided by a politically subservient Congress, the power to determine the personnel of a majority of the court.

The age at which retirement should be compulsory seems to me to fall properly within the scope of legislation rather than constitutional amendment. As this matter is one which is expected to be considered again in September by the House of Delegates and the assembly, I am recommending the adoption of the resolution set forth.

2. The standing Committee on Jurisprudence and Law Reform recommended to the Seattle meeting of the House of Delegates the following resolution, to wit:

RESOLVED, That the American Bar Association approves and recommends the adoption of an amendment to the Constitution of the United States providing in substance that the Supreme Court shall have appellate jurisdiction in all cases arising under the Constitution of the United States, both as to law and fact, with such exceptions and under such regulations as it shall make.

An excellent discussion of this proposed amendment appears in the January, 1949, issue of the *American Bar Association* in an address of Mr. Justice Owen J. Roberts delivered on December 11, 1948. This resolution failed of adoption at the Seattle meeting, but was thereafter referred by such meeting of the committee for further consideration and report, and at the midyear meeting in Chicago the committee reversed its stand and reported that while it did not disapprove the resolution, it recommended that the association should not support it at this time. A resolution to that effect was not adopted but was referred back to the committee for further study and report at the St. Louis meeting this September. Hence, the matter will be under consideration at that time.

For many years it has been the general understanding of lawyers and of the public that under our constitutional form of government, the constitutional guarantees to citizens of the United States were safeguarded by a continuing Supreme Court, free from the pressure of immediate and temporary political expediency which so often influences our legislative bodies. It seems that this understanding is a myth encouraged by the legal profession through inattention, blindness or the desire not to see. While there is some valid ground of objection to the expediency of the adoption of such constitutional amendment at this time, nevertheless, it seems to me that such a safeguard should be provided to the people of the United States and that there is much more likelihood of success now than there would be if there later arose an attempt by the legislative and executive branches. Hence, I recommend the adoption by the Mississippi State Bar of the resolution.

3. The attitude of the American Bar Association towards the controversial question of states' rights versus encroachment of the Federal Government is of interest to Mississippi lawyers and hence the resolution adopted by the annual meeting of the assembly and the House of Delegates at Seattle is presented for your information, to wit:

WHEREAS, it is reasonable to believe that we cannot preserve a system of democratic government in this, the most highly developed and scientific age of all time, making new and increasingly difficult problems for government, unless we make an effort to understand our system of government; the proper distribution of governmental powers between the Federal Government and the state; and

WHEREAS, there should be a proper balance of governmental powers and we should tend to preserve and develop the governmental capacity of the people and governmental efficiency of the people; and

WHEREAS, we should tend to develop the governmental efficiency of the various agencies of government, both Federal and state; now therefore be it

RESOLVED, That the American Bar Association endorses the principle that there should not be further extension of the Federal powers and that there should not be an increase in centralized bureaucracy of the Federal Government; and it is further

RESOLVED, There should be no further squandering of Federal funds for unconstitutional purposes, and other functions solely within the purview of the powers of the states should be returned to the states and administered by the states; and it is further

RESOLVED, That we rededicate ourselves to the principles upon which this government was founded by our forefathers.

4. The encroachment upon the legal profession by persons other than lawyers received full consideration, particularly the activities of certified public accountants performing purely legal services in tax matters. The Committee on the Unauthorized Practice of Law called the attention of the association to the decision of the Appellate Division of the Supreme Court of New York in the case of *New York County Lawyers Association v. Bernard Bereu*, 273 App. Div. 524, 78 N. Y. S. 2d 209 (April 12, 1948), reversing 188 Misc. 406, 69 N. Y. S. 2d 730.

In this case, the accountant did no accounting work and did not prepare a tax return. He undertook to answer a question of tax law and rendered an opinion for which he tried to collect \$500.00. The New York County Lawyers Association brought a proceeding in contempt to have it adjudicated that such services constitute the practice of law. The appellate court handed down a most excellent and well-reasoned opinion and started as follows:

An objective line must be drawn, and the point at which it must be drawn, at very least, is where the accountant or non-lawyer undertakes to pass upon a legal question apart from the regular pursuit of his calling.

5. Very numerous other matters were considered and acted upon by the House of Delegates at Chicago, but space will not permit a discus-

sion of them in this report. One significant action was the authorization of the Junior Bar Conference to form an American Student Bar Association and to actively sponsor the formation of student associations in colleges approved by it which would be associated with the national association.

The state delegates nominated Honorable Phillip J. Wicket as President of the American Bar Association, which nomination is submitted to the September assembly but is tantamount to election. Mr. Wicker is a member of the Buffalo, New York, Bar and has been an active member of the American Bar Association since 1923. For 25 years he has been a leader in the association work, and was the secretary and a moving force of the Committee on Coordination which set up the present structure of the association and the existence of the House of Delegates, of which he has been a member since its organization. As a member of various important committees and of the Board of Governors he has rendered valuable services to the association for many years. The association may expect an excellent administration under his leadership.

The constitution of the American Bar Association provides, concerning the House of Delegates, that: "Each state and local bar association delegate shall be chosen in such manner as such association shall determine. He shall serve for the term of two years and until his successor shall have been certified." It further provides that such terms shall end in the even numbered years. It has been our custom to elect the retiring President of the Mississippi State Bar as such delegate annually, but if this method of election was challenged, it would probably be held not to conform to the constitution. No provision has been made for selection of any person to serve if such delegate is unable to attend the meetings of the house. Hence, I recommend the resolution set forth below.

In accordance with the foregoing report I recommend and will present to the annual meeting of the Mississippi State Bar for consideration the following resolutions, to wit:

Resolution No. 1

RESOLVED, That it is the sense of the Mississippi State Bar that Congress shall propose and the legislatures of the states should ratify an amendment or amendments to the Constitution of the United States as follows:

Section 1. The Supreme Court shall be composed of the Chief Justice of the United States and eight associate justices in regular active service.

Section 2. In all cases arising under the Constitution of the United States, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as it shall make.

That's the wording that has been considered and suggested by the committee of the American Bar Association. Mr. President, I move the adoption of this resolution.

JUDGE LESTER CLARK: I second the motion.

PRESIDENT STONE: Is there any discussion? If not, those in favor signify by saying aye; those apposed by the contrary sign.

The motion is carried unanimously.

Resolution No. 2

WHEREAS, Honorable Hubert S. Lipscomb has served the State of Mississippi and the Mississippi State Bar as the state delegate from Mississippi to the American Bar Association for nine years, frequently at a personal loss to himself, and through his able representation of the state has brought credit to Mississippi before the lawyers of the nation; and

WHEREAS, at the recent election of state delegate from Mississippi Mr. Lipscomb was unable to further serve in this capacity and therefore his term of service has come to an end and the Mississippi State Bar is deeply indebted to him for the work done in behalf of the state and of the bar during the past nine years:

NOW, THEREFORE, be it resolved by the Mississippi State Bar that it expresses its thanks and appreciation to Honorable Hubert S. Lipscomb for the nine years of unselfish service rendered by him for it and for the State of Mississippi generally in the American Bar Association as state delegate from Mississippi.

Mr. President, I move that this association adopt this resolution.

MR. ROSS BARNETT: I second the motion.

PRESIDENT STONE: You gentlemen who are not familiar with the American Bar Association don't know how well it's deserved.

All in favor say aye; opposed no.

The motion is carried unanimously.

Resolution No. 3

WHEREAS, the Constitution of the American Bar Association provides that each state and local bar association delegate shall be chosen in such manner as such association shall determine and he shall serve for the term of two years until his successor shall have been certified and it is the desire of the association that the selection of its delegate shall be in accordance with the said constitution, and it is the further desire of the Mississippi State Bar that there may be available an alternate delegate in all cases when the delegate thus chosen may not be able to act:

NOW, THEREFORE, be it resolved by the Mississippi State Bar that the election of a delegate from the Mississippi State Bar to the American Bar Association shall be held every two years, beginning with the regular annual meeting of the year 1949, such election to be upon the nomination by majority vote at the regular annual meeting of the association held in the year when such election shall fall.

BE IT FURTHER RESOLVED, that if, for any reason, such delegate thus chosen shall not be able to attend any meeting of the House of Delegates of the American Bar Association or the annual meeting of such

association the then president of the Mississippi State Bar shall be and is hereby designated as the alternate delegate with full authority to act as such delegate. This resolution shall remain in full force and effect from year to year without the necessity of readoption unless and until the same is rescinded by resolution duly adopted by the Mississippi State Bar.

The resolution was then adopted by unanimous vote of the members.

MR. BIDWELL, ADAM: I have a resolution here, but the Resolutions Committee hasn't met or functioned since we have been in session, so I'm going to take this resolution, like you take any other resolution, to the floor of the convention.

WHEREAS, the volume of appellate business submitted to the Supreme Court of Mississippi since the termination of World War II has increased beyond the capacity of the six judges constituting that tribunal to study and dispatch properly without entailing a stress of overwork that should not be required of any public official; and

WHEREAS, in spite of the most intensive study and application by the present able justices of the supreme court, characterized by their working throughout holidays and far into the nights, the cases to be determined by the supreme court inevitably have accumulated until that tribunal is more than one year in arrears with its work; and

WHEREAS, the delay in the rendition of decisions incident to the congestion of causes for determination in the Supreme Court of Mississippi necessarily results in detriment to the cause of justice, the popular attitude towards our governmental institutions, and to the prestige and interest of the legal profession of the state; and

WHEREAS, this situation has become so acute and distressing in the opinion of the members of the Mississippi State Bar that it constitutes an emergency, warranting and requiring immediacy of action, and the adoption of extraordinary remedial measures for its relief in the public interest; now, therefore,

BE IT RESOLVED, that the Legislature of the State of Mississippi be memorialized and requested to enact immediately appropriate legislation for the submission of a constitutional amendment to the people for adoption, amendatory of Section 145A of the Mississippi Constitution of 1890, so as to provide that the number of judges of the Supreme Court of the State of Mississippi shall consist of nine members in lieu of six as therein provided; and

BE IT FURTHER RESOLVED, that the Legislature of the State of Mississippi be and it hereby is memorialized and requested immediately to enact a statute to be in force and effect pending the adoption of said constitutional amendment, providing for the appointment by the Governor of the State of Mississippi of three supreme court commissioners who shall possess the same qualifications as those required of judges of the supreme court, to serve with the supreme court in the alleviation and dispatch of its appellate business under such rules and regulations as may be adopted and promulgated by the supreme court itself; and

BE IT FURTHER RESOLVED, that His Excellency, Fielding L. Wright, Governor of the State of Mississippi, be and he hereby is memorialized and requested to convene the Legislature of the State of Mississippi in special session at the earliest time practicable to enact and place into force and effect the foregoing necessary remedial legislation.

Mr. President, I submit this to open debate, and I move its adoption.

The motion was seconded by Mr. Albert Sidney Johnston, Jr., of Biloxi. Mr. W. A. Ellis, of Carthage, moved to amend by striking out the reference to a special session of the legislature. This motion was seconded by Mr. Johnston, and as amended the resolution was unanimously carried.

The report of the Budget and Finance Committee was then delivered by its chairman, Mr. R. W. Thompson, Jr., of Gulfport.

This report appears in the appendix to this issue.

Mr. Thompson moved that the committee's report be adopted. The motion was seconded by Mr. Reece Bickerstaff, of Gulfport, and was carried unanimously by vote of the members.

Judge Lester Clark, of Hattiesburg, then delivered the report on the Federal Judges Conferences.

This report appears in the appendix to this issue. Upon motion, it was approved unanimously.

The president then presented Mr. W. A. Ellis, of Carthage, Poet Laureate, who read the following poem prepared for the Mississippi State Bar.

AMERICAN FREEDOM

Jefferson's great Declaration
 Ushered in a mighty nation
 Which the world in all its glory, never heard or dreamed before,
 Starry flag, new constellation,
 Giving hope and inspiration,
 Unto earth new revelation, freedom to the earth once more.
In hoc signo, vinces, brother, in this sign, be conqueror,
 Freedom now and evermore.

Give his words their true construction,
 Do not wrest them to destruction
 As you ponder their true meaning, fraught with wisdom to the core.
 But the very course of nature,
 Taught them all in ev'ry feature,
 Physic, mental, moral creature, could not fully e'er explore
 All the traits of human nature through the scientific score—
 UNDEFINED forevermore.

What he meant was, ev'ry human,
 Be he man, nere child or woman,
 Had a chance to make a living, opportunities galore,
 College bred, poor, saint, or sinner,
 Bowed with age or new beginner,
 Could be, should be a sure winner, gaining entrance at our door,
 Free from autocratic rulers, prince or princely pompadour,
 In religion, private business, *homo sapiens*, encore——
 Liberty Forevermore.

But he never thought of negro
 With his background rather meager,
 Nor the yellow man of Asia steeped in lots of mystic lore,
 But he thought of Europe's races
 With her record of disgraces,
 Offered them far better places than they'd ever known before,
 Free and independent people from our mountains to the shore,
 Blessed of God forevermore.

Human slav'ry then existed,
 For the love of gain persisted
 In the negro's ocen traffic from old Afric's sunny shore,
 To the fields of southern cotton,
 Where new slaves were there begotten,
 In old times still unforgotten, in the hovels of the poor,
 But at last some new conditions cast their shadows on the floor,
 And-the-black-man-walks-once-more.

Old Virginia, grand, immortal,
 Guardian angel at the portal,
 Sent her statesmen to the sessions for relief from grief they bore.
 Henry's fervent oratory,
 Gained new heights of fame and glory,
 'Told King George another story, that his reign would soon be o'er,
 That America undaunted, democratic to the core,
 Would be free forevermore.

Nature teaches segregation
 In all forms of her creation.
 Fowls and fishes, *animalia*, from the least to those that roar,
 Live and move and have their being,
 In their nature jubileeing,
 Saying NO to man's decreeing races equal world-wide o'er,
 Color, creed and all conditions, never heard or known before,
 Never will be—NEVERMORE.

Who can solve these hard equations,
In the Church, United Nations,
Politics or private business, though 'twas never known before,
In deep prayer and supplication
For the good of ev'ry nation,
High or low in rank and station, underprivileged and poor,
Who continue constant knocking at our private, inner door,
Claiming EQUALS evermore?

Statute Laws can't fill the measure;
Love or friendship's the key treasure,
That unlocks good will and pleasure, happiness the world wide o'er.
Custom rules in social matters,
Otherwise it's torn to tatters
Like a pane of glass that shatters when it falls upon the floor.
Social customs rule the people, coming down from days of yore,
And will rule forevermore.

Now-a-days, full many a nation
Looks to us for inspiration
Calling us as equal brothers at our very inner door,
Economics, education,
Politics and transportation,
Social status, church relation, home and public places o'er,
All the same on all occasions, strangest kind of combinations,
Timbuctu to old Mysore,
Forcing us to face new issues, which we've never done before,
Washington to Singapore.

Socialism, Communism,
Naziism, Atheism,
And some other issues, ISMS, rotten to the very core,
Now demand our strict attention,
Thought and action for prevention
Of some evils we don't mention, that may make us sick and sore,
Like a witch pot full of nostrums, brewed in vermin stock and store,
Foul and putrid evermore.

Absolutely equal, never,
On this side of that great river,
Separating us from heaven, from the God we all adore.
Then there follows this great sequel:
If we overcome all evil,
Up in heaven, we'll be equal, there to meet and part no more,
Where we'll meet upon the level on that happy, golden shore,
No more courtship, romance, marriage, on that bright celestial shore,
But as angels evermore.

After all, mature reflection,
Calls for watchful circumspection,
Charity on introspection as to those about our door,
Asking for some recognition,
Some adjustment of position,
Some new word of admonition, helping them to make a score,
Mitigate some opposition of the breakers on the shore,
And give PEACE forevermore.

Mississippi, State Magnolia,
Democratic laws control you
For the good of all the people, though some minor groups deplore.
Your ancestors crossed the ocean
With a fervent, deep emotion,
With a martyr-like devotion, that America undaunted, now henceforth,
forevermore,
In the western wildwoods watching for the lights along the shore,
Would be free forevermore.

The president then called for the selection of a convention city in 1950 for the forty-fifth convention of the Mississippi State Bar. Mr. Bidwell Adams, of Gulfport, moved that Gulfport be selected as the next convention city. This motion was seconded by Mr. Reece Bickerstaff, and was carried by a vote of the members.

Upon the motion of Mr. R. W. Thompson, Jr., of Gulfport, Phil Stone, of Oxford, was elected delegate to the American Bar Association Convention.

President Stone then called for nominations for President of the Mississippi State Bar. Mr. R. W. Thompson, Jr., of Gulfport, was nominated by Mr. Robert Burns, of Jackson. Mr. Thomas R. Ethridge, of Oxford, seconded the nomination of Mr. Thompson.

Mr. Quitman Ross, of Laurel, was nominated by Mr. J. T. Dunn, of Meridian. Mr. Carrol Gartin, of Laurel, seconded the nomination of Mr. Ross.

A vote by ballot was taken and the following result announced: Mr. R. W. Thompson, Jr., 124; Mr. Quitman Ross, 92.

A motion by Mr. Carrol Gartin, that Mr. Thompson be declared unanimously elected, was seconded by Mr. Sam Pack, of Laurel, and carried by vote of the members.

The chair requested nominations for the office of first vice-president. Mr. Gilbert Witherspoon, of Meridian, was nominated by Mr. Hindman Doxey, of Holly Springs. The nomination was seconded by Judge Thomas Minniece, of Meridian. Mr. Earle L. Wingo, of Hattiesburg, moved that the nominations be closed, and Mr. Witherspoon was unanimously elected.

The chair requested nominations for the office of second vice-president. Mr. Cage Brewer, of Clarksdale, nominated Mr. Merle Palmer, of Pascagoula, and the nomination was seconded by Mr. Melville Collins, of Hattiesburg. Upon motion, the secretary was instructed to cast one vote on behalf of the association, and Mr. Palmer was declared unanimously elected.

The chair requested that the members meet by districts for the election of commissioners, and the following results were announced:

First District—W. C. Sweat of Corinth.

Second District—Hanun Gardner of Gulfport.

Third District—L. A. Smith, Jr. of Holly Springs.

Fourth District—Jerome S. Hafter of Greenville.

Fifth District—Charles D. Fair of Louisville.

Sixth District—Oliver M. Hornsby of Natchez.

Seventh District—John C. Satterfield of Jackson.

Eighth District—W. E. McIntyre, Jr. of Brandon.

Ninth District—J. D. Thames of Vicksburg.

Tenth District—J. Ray Gipson of Meridian.

Eleventh District—Vincent J. Brocato of Clarksdale.

Twelfth District—J. Kearney Travis of Hattiesburg.

Thirteenth District—Robert H. McFarland of Bay Springs.

Fourteenth District—F. D. Hewitt of McComb.

Fifteenth District—E. A. Turnage of Monticello.

Sixteenth District—John H. Holloman of Columbus.

Seventeenth District—J. H. Caldwell, Sr. of Charleston.

There being no further business, the meeting adjourned *sine die*.

APPENDIX

REPORT OF THE ADMINISTRATIVE LAW COMMITTEE

The Committee on Administrative Law held a meeting on Thursday, December 2, 1948, at 10:00 A. M. in the Director's Room of the Robert E. Lee Hotel. The following were present:

R. E. Wilbourn, Meridian, Chairman
Henry Barksdale, Jackson, Secretary
John Kuykendall, Jackson
Erskine Wells, Jackson
Wade Creekmore, Jackson

It was agreed by those attending that the first order of business would be the consideration of the recommendations and suggestions made in a letter to all members of the committee by Honorable Phil Stone, President of the Mississippi State Bar. After a discussion of these, the following recommendations were made by the committee:

Recommendation No. 1:

It is recommended that all administrative agencies be authorized to employ one stenographer, competent to serve as a reporter of evidence taken before the agency, and that any interested party in any proceeding or hearing before any such administrative agency shall have the right, upon written request, to have a record made of the testimony and proceedings before such agency.

That whereas specific provision is now made for the prosecution of an appeal to the circuit court from decisions of certain administrative agencies, it is recommended that provision be made for such an appeal in all instances where no such provision is now included in the statutes creating and governing such administrative agencies, whereby the state, or any party aggrieved by any final finding, order, or judgment of such agency or commission, shall have the right, regardless of the amount involved, of appeal to the courts of this state (to the Circuit Court of the First Judicial District of Hinds County, or some other circuit court as may be advisable in certain instances); that such appeal shall be taken and perfected within 30 days from the date of such final finding, order, or judgment, by the filing of a bond in the sum of \$500.00, or in such additional amount as may be required by the court or the administrative agency, with customary provision for sureties, and conditioned to pay the cost of such appeal; that in perfecting such appeal provisions of law respecting notice to the reporters and the allowance of bills of exception, now or hereafter in force respecting appeals from the circuit courts to the supreme court, shall be applicable; that such appeals shall be heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and testimony, both oral and documentary, filed and heard before the administrative agency or commission.

Recommendation No. 2:

By common consent this recommendation was tabled for further study and examination and would be reconsidered at the next meeting of the committee.

Recommendation No. 3:

By common consent this recommendation was also tabled for further study and examination and would be reconsidered at the next meeting of the committee.

Recommendation No. 4:

All administrative agencies of the State of Mississippi shall file with the secretary of state, within 30 days after the passage of this act, all rules and regulations, together with amendments thereto, which have the force and effect of law; and all such rules, regulations and amendments thereof must be so filed and recorded before they become effective. It shall not be necessary for the secretary of state to publish and distribute such rules, regulations and amendments; but the filing and recording of the same in his office showing time and date of such filing shall be sufficient notice of such rules, regulations and amendments, and same shall then become fully effective as law.

Recommendation No. 5:

That the list of Administrative Agencies be brought up to date for the use of the members of the committee.

REPORT OF THE AVIATION COMMITTEE

President Phil Stone has appointed this new committee to cover a comparatively new field of law, aeronautics. The previous reports of committees are not available, so it will be our purpose to give you a bird's eye panorama of the fundamental principles which have developed in this rapidly expanding field. Though this industry is still classed in its infancy, the airplane is no longer a mysterious or dangerous experiment. In Mississippi today we accept aviation as a rapid means of transportation or a practical adjunct to our agriculture. Commercial aviation is on its way to fulfill the most cherished hopes and prophecies of its leaders.

In approaching the subject we might consider a recent report of Aviation Committee of the New York Bar Association, wherein it concludes:

Considering the success or failure of the common law rules of liability by examining the reported cases over the last 13 years, there is little, if any evidence to indicate that substantial injustice has been done as between operations by air and the traveling or general public. There is no reported aviation decision where the common law rules have been judicially condemned as insufficient or inadequate to accomplish justice between the parties. Whereas, on the other hand, the courts seem to have found the principles of common law to have sufficient flexibility to work out an equitable solution to the particular problem.¹

First, let us take up accidents which happen as a result of some defective work or equipment. The owner of an airplane sued the seller and manufacturer of spark plugs for damages, claiming that defective spark plugs caused the crash. Our supreme court refused to change the finding of the chancellor who held that the defective spark plugs were not the proximate cause of the accident as there was evidence to support his finding.² The manufacturer, if negligent in either the design or manufacture of a plane, is held liable. The cases seem to follow the same line of reasoning as the late Justice Cardozo expressed in an automobile case against the Buick Motor Company:³

¹Committee on Aeronautical Law for the New York Bar Association, 1942 report.

²*Sellers Motor Co. v. Champion Spark Plug Co.*, 150 Miss. 473, 116 So. 883 (1929).

³*McPherson v. Buick Motor Co.*, 217 N.Y. 382, 111 N.E. 1050 (1916); see *Breen v. Conn.*, 64 Ohio App. 325, 28 N.E.2d 684 (1940).

If the nature of a thing is such that it is reasonably certain to place life or limb in peril when negligently made, it is a thing of danger. Its nature gives warning of the consequences to be expected. If to the element of danger there is added knowledge that the thing will be used by persons other than the purchaser, and used without new tests, then irrespective of contract, the manufacturer of this thing of danger is under a duty to make it carefully.

The Ford Motor Company⁴ was held liable to an airline for damages to an airplane and for sums paid to injured parties where the plane crashed soon after the company's work and repairs had been completed. The company was held liable on the theory of a breach of contract. The manufacturer or repairmen are liable for damages caused by their defective design or workmanship when the work is proved to be the proximate cause of an aviation accident. Usually vendors are liable for a breach of any warranty which they make in selling planes.

In the second class of cases let us consider accidents to persons and property which happen on the ground. There are three standards which have been suggested.

1. A rule of absolute liability, under which the person injured or damaged is allowed to recover regardless of any question of negligence except his own. The underlying reasons for this rule are:⁵

(a) Persons or property on the ground are helpless to avoid injuries to themselves or their property.

(b) That the airplane is an inherently dangerous instrumentality and the safety of flight by air is dependent upon factors beyond human control.

(c) That for all practical purposes it is almost impossible for the person injured to prove the cause of such accident.

2. A rule of absolute liability but with the defense available of vis major.⁶

3. The ordinary rules of negligence and proximate cause applicable to torts on land with liability based entirely upon fault or negligence. The modern rule seems to favor this last theory.

A Wisconsin court⁷ quoted Section 7 of the Uniform State Law for Aeronautics, which this state had adopted:

"The liabilities of the owner of one aircraft to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land."

This statute is merely dictatory of common law principles. The rule of common law is that "every person shall use ordinary care not to injure another." According to *Aviation Accident Law*⁸ this provision has been adopted by 20 states. The courts of other states have achieved the same result by holding that general common law rules governing liability for accidents on land apply in aviation cases.

⁴American Airways, Inc. v. Ford Motor Co., 17 N.Y.S.2d 998, 284 N.Y. 807, 31 N.E.2d 925 (1940).

⁵The agitation to impose a rule of absolute liability seems to begin with *Guille v. Swan*, 19 Johns 381 (N.Y. 1822).

⁶Goldin, *The Doctrine of Res Ipsa Loquitur in Aviation Law*, 18 So. CALIF. L. REV. 124 (1944).

⁷Greunke v. North Amer. Airways Co., 201 Wisc. 565, 230 N.W. 618 (1930).

⁸RHYNES, AVIATION ACCIDENT LAW (1947).

A circuit court of appeals considered a collision on a Michigan airport between two planes. The court held that a pilot who taxied across an airfield after landing was negligent in failing to look to his left where he would have seen another plane moving toward him, on the principal "an automobile driver is bound in law to look and to see what he should have seen if the object was plainly visible."⁹

The violation of a statute is negligence per se just as in an automobile accident. So where defendant cranked and started the motor of an empty plane contrary to law and the plane got away causing damages,¹⁰ he was held liable.

A plane had just landed and was taxiing back into position when the pilot saw another plane coming in on him for a landing. The pilot on the ground stopped and the landing plane crashed into its left wing. Both Federal and Illinois air traffic rules gave the pilot of the landing plane the right-of-way but the Illinois court declared neither pilot is excused from exercising due care and diligence. The court pointed out that the pilot of the landing plane could have seen the grounded plane, if he had exercised due care. So, the pilot of the landing plane was held liable for damages despite his right-of-way.

Thus we see a pilot is held to the exercise of due care in taxiing on the field. He cannot say that he looked and failed to see what was plainly there to be seen. Superior right-of-way, granted by regulations, may be lost by failure to exercise due care. Violation of statutory law is treated as negligence per se. Just as in cases involving automobile accidents, where passengers are struck by propellers the juries usually find the airline negligent in failing to provide a guard rope or employee to conduct persons from the plane to safety of the exit or in not having the propeller stopped.¹¹

Another class of cases involve landing or take-off accidents. In this connection we might consider what is "navigable airspace." In a recent case the plaintiff's property was used for a chicken farm. The army used the adjacent field for frequent flights of military planes. In passing over the property at low altitude many of the chickens were killed when caused by fright to fly against the walls of their coops. The court held:

"The superadjacent airspace at this low altitude is so close to the surface land itself that we think the landowner, as an incident to his ownership, has a claim to it and that these invasions of it are in the same category as invasions of the surface."¹² Later the Court of Claims determined that the United States asserted and exercised a temporary easement over this plaintiff's property for the flight of government aircraft at altitudes between 83 and 365 feet above the surface and awarded to plaintiff the value of the easement.¹³

A pilot who circled an airfield at 500 feet and landed in the face of a setting sun, which temporarily blinded him, and crashed into a brightly colored hayrack on the runway, was held guilty of contributory negligence as a matter of law. The Wisconsin Court¹⁴ based its judgment on testimony of expert witnesses to the effect that a pilot should not land until he could see that his way was clear. The court applied rules as in automobile cases which hold a driver negligent if he proceeds when he is

⁹*Finfer v. Thomas*, 119 F.2d 28 (CCA 6th 1941).

¹⁰*T.A.T. Flight Service v. Adamson*, 47 Ga. App. 108, 169 S.E. 851 (1933).

¹¹*Curtiss-Wright Flying Service v. Williamson*, 51 S.W.2d 1047 (Tex. 1932).

¹²*U. S. v. Causby*, 75 F. Supp. 262 (Ct. of Cl. 1948).

¹³*U. S. v. Causby*, 328 U.S. 256 (1946).

¹⁴*Davies v. Oshkosh Airport, Inc.*, 214 Wis. 236, 252 N.W. 602 (1934).

unable to see because his vision is obscured by smoke, dust or darkness. Where a landing airplane crashed with a piece of road machinery being operated on a runway under construction, the court held the pilot knew the runway was under construction and in failing to see the machine, he failed to exercise such care as was commensurate with the existing circumstances.¹⁵

One of the earliest cases involving the take off of a plane was decided in Massachusetts in 1932.¹⁶ A passenger sought to recover for personal effects lost when the right motor of the plane failed and the plane nosed into the water and sank. The court holding has often since been quoted:

"The rules of law relating to the operation of aircraft, in the absence of statute, in general are rules relating to negligence and nuisance and are not distinguishable from those which relate to operation of vehicles, perhaps more closely to motor vehicles on land."

We find a Washington court¹⁷ quoting this language with approval in 1948 in a case in which a plane's motor quit shortly after becoming airborne. The plane glided toward some high power lines and the pilot was forced with the choice of going over or under them or turning to the side. He chose the latter course, lost air speed and crashed. After finding there was insufficient evidence to prove the pilot's negligence created the emergency, the court applied the sudden emergency doctrine quoting the rule applied to an automobile driver when placed in a situation of emergency not of his own making.

The next class of cases involve crashes in mid-air. A collision in mid-air does not ordinarily occur if the proper degree of care is used.¹⁸ However, it should be remembered that an air carrier is not liable for either death or injuries which result from an act of God.¹⁹ Whether the injury was so caused is a jury question.²⁰ When this defense is relied upon the defendant must prove there was no negligence on his part. No matter what degree of prudence or care may be exercised by the carrier or its servants, although the delusion by which it is baffled or the force by which it is overcome be inevitable, yet if there be any cooperation of man or any admixture of human means, the injury is not in a legal sense an act of God.²¹ A second defense is the assumption of risk by the passenger. The risk of such contingencies as inevitable accidents,²² sudden emergencies, unforeseen events,²³ and in some jurisdictions other than miscellaneous contributory negligence would bar recovery.²⁴ Arthur Hotchkiss states the rule thus:

A passenger who goes up in an airplane must be presumed to have assumed the risk attendant upon the form of locomotion. He knows that a bullock drawn cart is much safer, but it is not to be supposed that he expects to have the speed of an airplane joined with the freedom from danger

¹⁵Peavy v. City of Miami, 146 Fla.629, 1 So.2d 614 (1941). The court cites with approval 6 AM. JUR. 16: "An aviator is under no duty to use the highest degree of care that men of reasonable diligence and foresight ordinarily exercise in operation of airplanes, but is bound only to use ordinary care differing under the circumstances."

¹⁶Wilson v. Colonial Air Transport, Inc., 278 Mass. 420, 180 N.E. 212 (1932).

¹⁷Neal v. Henne, 130 Wash. 22, 190 P.2d 775 (1948).

¹⁸Smith v. O'Donnell, 215 Cal. 714, 12 P.2d 933 (1931).

¹⁹Allison v. Standard Air Lines, 65 F.2d 668 (CCA 9th 1933).

²⁰Ford v. Wabash Ry., 318 Mo. 723, 300 S.W. 769 (1927).

²¹4 R.C.L. 181; 13 C.J.S. 899.

²²Canklin v. Canadian Colonial Airways, 266 N.Y. 244, 194 N.E. 692 (1935).

²³Allison v. Standard Air Lines, 65 F.2d 668 (CCA 9th 1933).

²⁴Ebrite v. Crawford, 215 Cal. 724, 12 P.2d 937 (1932).

that the bullock cart possesses. Throughout the common law rules of negligence there runs the thread of assumption of risk. It may not always be referred to in that way but the various standards of care that courts set up clearly reflect its existence.²⁵

A passenger, however, does not assume the risk from violations of air commerce regulations, which are held to be evidence of negligence, but, in order to establish liability, it must be shown that such a violation or omission was either a concurrent or the proximate cause of the accident.²⁶ The relation of passenger and carrier must be shown to exist and also that the carrier was a common one whose conduct amounted to a public offer.²⁷ After this relationship is established, the passenger assumes only usual and ordinary perils incident to air travel.

The authorities often invoke the doctrine of *res ipsa loquitur* to establish liability, especially in cases where all aboard the ship perished in the tragedy. There is no distinction in the application of the doctrine to private or common carriers.²⁸ The theory never applies where there are dual controls in the plane, if the plaintiff or parties other than the defendant had access to or were operating the plane at the time of the crash.²⁹ Before filing suit a plaintiff must make an election of alleging specific acts of negligence which precludes the application of the doctrine or relying on the doctrine to establish liability. The application of this doctrine varies with the jurisdiction and circumstances and an analysis of the numerous decisions would be outside the limits of this report.

In *Parker v. Granger*³⁰ the court sums up the conditions requisite for the application of the doctrine. A review of this early case and some of the more recent decisions will give you a starting point in this important respect.

The operator of a plane is not liable to his passengers in a collision in mid-air where the negligence was attributable entirely to the operator of the second plane.³¹ The doctrine of respondeat superior applies to an air accident just as it would to any other class of litigation. An unlicensed airman who rented a plane and hired a licensed pilot to fly it was held liable as pilot's principal for acts of negligence in choosing a runway too short and in pulling the plane off the ground before it had attained sufficient flying speed.³²

There are many freak accidents which occur and which cannot be classified. For example, a farmer engaging an aircraft to dust crops with insecticide has been held liable for the death of nearby bees, kept for commercial purposes, as the dusting was done without appropriate precautions.³³ An action was brought under the Federal Tort Claims Act for the death of a man killed while fishing in non-restricted waters six miles off-shore when struck in the head by a piece of pipe which fell from an army airplane engaged in target practice.³⁴

²⁵THE LAW OF AVIATION 44 (2d ed.).

²⁶T.A.T. Flying Service, Inc. v. Adamson, *supra* note 12.

²⁷North American Accident Ins. Co. v. Pitts, 213 Ala. 102, 104 So. 21 (1925).

²⁸DAVIS, LAW OF AIR CARRIERS 51 (1934).

²⁹Morrison v. LeTourneau Co., 138 F.2d 339 (CCA 5th 1943); Towle v. Phillips, 172 S.W.2d 806 (Tenn. 1943); Budgett v. Soo Skyways, 64 S.D. 243, 266 N.W. 253 (1936); Michigan Aero Club v. Shelly, 278 N.W. 121 (Mich. 1938).

³⁰52 P.2d 226 (Cal. 1935).

³¹Wilson v. Colonial Air Transport, 278 Mass. 420, 182 N.E. 212 (1932).

³²United Air Service v. Sampson, 30 Cal. App.2d 135, 86 P.2d 366 (1939).

³³Miles v. Arena & Co., 23 Cal.App.2d 680, 73 P.2d 1260 (1938).

³⁴Skeels Adm'r. v. U. S., 72 F. Supp. 372 (W.D. La. 1947).

From a review of the aviation negligence cases we find that common law principles apply and are often similar to automobile accidents. As this field of law expands, we feel that in the final analysis the same legal principles, which we are all familiar with, will determine our rights and define our obligations. The committee hopes that from the illustrative cases reviewed you may get a starting point for aviation accident cases that come to your office.

Gibson B. Witherspoon, Chairman,
O. Winston Cameron, Secretary.

Cage Brewer, Clarksdale
William H. Bissell, Cleveland
John Culkin, Vicksburg

Thomas R. Ethridge, Oxford
John A. Farese, Ashland
Roland W. Heidelberg, Jr., Hattiesburg
Will E. Ward, Starksville

REPORT OF THE BUDGET AND FINANCE COMMITTEE

We have carefully examined the audit prepared by Dick D. Quinn & Company, certified public accountants, covering the past fiscal year, closing as of May 15, 1949 and certified to by them on May 23, 1949.

The expenditures for the fiscal year 1948-49 were well within the budget except that it was found necessary and advisable by the commissioners to increase the salary of the Secretary of the Mississippi State Bar in order to procure competent and efficient help. With the increased membership of the state bar and in order to keep in touch with the various committees and correlate their work, the duties of the secretary and the office expense has necessarily increased. The total receipts decreased in the past fiscal year slightly over \$300.00 as compared with the last fiscal year, so that it became necessary to draw upon the small surplus funds for slightly over \$800.00, in order to meet all of our expenses; however, there are many lawyers who have not paid their current dues, and when these have been collected, we should be able to place back in our surplus the amount which had been withdrawn. During the past year vigorous steps have been taken to collect from delinquent members, and several of these matters are now ready for court action. The number of delinquents who are delinquent more than one year has been materially reduced and the court action already authorized by the bar commission should result in further collection. We do, however, strongly recommend to the incoming administration that further steps be taken to clear delinquency of all members for their dues of the past year.

On the whole, the financial affairs of the Mississippi State Bar have been administered efficiently and with due regard to the recommendations contained in the budget for the fiscal year 1949-50:

Secretary's Salary.....	\$2,400.00
Mississippi Law Journal.....	3,250.00
Junior Bar Section.....	500.00
Bar Commissioners' Expense.....	600.00
Committee Expense (This item includes Memorial Services, Legislative Committee expense, and investigating and disbarment expense).....	500.00
Travel allowance for Study Committee.....	150.00
General Office Expense.....	900.00
National Conference on Uniform State Laws.....	150.00
Expenses for delegates to Judicial Conference.....	150.00
Miscellaneous Expense.....	350.00
TOTAL	\$8,950.00

The committee would like to be able to make an allowance for travel expense for all committees, but the revenues of the state bar are not sufficient to permit it; however, the function and work of the Study Committee, in the judgment of this committee, is of greatest importance to the bench, bar, and legislature of Mississippi, and we feel that an exception should be made in this case so as to take care of the expenses of one general meeting of the committee. The other committees can either handle their work by correspondence or by meeting at their own expense.

With reference to the allowance made to the Junior Bar Section, the question has been presented by the Junior Bar Section to the bar commissioners that each expenditure within the budget allowance in this sum should be authorized, at the time of the expenditure, by the bar commissioners. This committee feels, however, that the Junior Bar Section has done such splendid work in behalf of the Mississippi State Bar as a whole, and have used their funds in the past so judiciously that they are fully capable of expending their money thus allowed without any further action by the Mississippi State Bar. We therefore recommend that the allowance of \$500.00 to the Junior Bar be withdrawn as needed by requisition of the President of the Junior Bar Section directed to the Secretary-Treasurer of the Mississippi State Bar and to be expended by the Junior Bar as its officers deem best.

Respectfully submitted,

R. W. Thompson, Jr., Chairman
J. D. Thames
J. Kearney Travis

REPORT OF THE DELEGATES OF THE MISSISSIPPI STATE BAR ASSOCIATION TO THE FEDERAL JUDGES CONFERENCES IN NEW ORLEANS, LOUISIANA, HELD JUNE 3 AND 4, 1948, AND MAY 26 AND 27, 1949.

The Federal Judges Conference of the Fifth Circuit Court of Appeals was officially called to order at 9:30 A.M., on the morning of June 3, 1948, in the Circuit Court of Appeals Courtroom in the Federal Building in New Orleans, Louisiana. Judge Joseph C. Hutcheson, Jr., of Houston, Texas, now Chief Judge, presided.

Delegates attending from Mississippi for 1948 were, Phil Stone, Oxford, Fulton Thompson, Jackson, Robert Thompson, Gulfport, and Lester Clark of Hattiesburg.

1. The first report given was by Judge Ben Dawkins, of Shreveport, Louisiana, on the subject, *Legislative Committee on Proposed Legislation Affecting District Courts and District Judges*. Judge Dawkin's report was very informative and provoked considerable discussion on legislation affecting probation of persons convicted of criminal offenses, and on legislation affecting the bankruptcy courts.

2. Judge Robert L. Russell, of Georgia, made a short report on legislation now pending in Congress.

3. Judge John McDuffie, of Alabama, made a short report on how the new rules were working in his district.

4. Judge Joseph B. Dooley, of Texas, made a report on the Youth Court, and stated that his committee was opposed to the bill because it transfers to the Administrative Office (a bureau of three men), authority to deal with youths, and the committee felt that this responsibility should remain with the courts, but that the parole system should be improved.

5. Judge Sidney Mize, of Mississippi, made a report for the committee on the Interstate Commerce Bill, and recommended that the amendment proposed by the Attorney General of the United States be not passed. This bill dealt with whether or not an administrative agency would be the main defendant and the government intervene, or whether the government would be the main defendant and the agency intervene.

6. Judge John McDuffie, of Alabama, in a few brief remarks said, "he was fundamentally opposed to creating more bureaus in Washington, and opposed to any bill which said that a man 24 years of age is a youth."

7. Honorable D. K. Jones, one of the lawyer delegates, from Tuscaloosa, Alabama, spoke against the bill to transfer to a board judicial powers in dealing with youths.

8. Judge Samuel H. Sibley, of Atlanta, Georgia, who is the Senior Circuit Judge of the Fifth Circuit, but who has now relinquished his administrative duties in favor of Judge Joseph C. Hutcheson, Jr. of Houston, Texas, spoke in favor of an act which had already been passed and on a proposal before the conference, which would repeal it. It appears that this statute prohibits lawyers and a district judge, from entering into an agreement on attorneys fees in reorganization of railroad cases, and perhaps others. We did not get a copy of the act in our memoranda. Judge Hutcheson thought the act was too strong and should be repealed.

9. The conference then voted to approve a bill which would create a jury commissioner and fix his compensation, and also to increase jurors per diem compensation.

10. Judge W. L. Devane, of Florida, reported for the committee that had been studying the new bankruptcy act, and stated that the committee felt that sufficient time had not elapsed under the new amendment of 1946 for h's committee to recommend any change except the per diem of referees, which his committee recommended to be \$6.00 or more per day per diem, as other government employees.

11. Honorable M. M. Heuser, Assistant Attorney General, of Washington, D. C., spoke on the subject, *Litigation under the Federal Tort Claims Act*. He stated that the Texas City disaster had caused the filing of about 3000 cases there alone, or in that district, and that suits for more than \$300,000.00 were now pending, but that two-third of the claims arose from the Texas City disaster. This act, as you know, provides 4 per cent interest from date of judgment until an appropriation is made. He stated that recently one plaintiff secured judgment against the United States for about one-half million dollars. He further stated that the interest on claims now pending, and, of course, this was on June 3, 1948, amounted to more than \$100,000. He further gave an instance where a veteran was operated on in a government hospital and later went to John Hopkins Hospital for an operation, and the doctors there found a towel 20 x 36 inches in his stomach. He further stated that the government had some unusual suits by convicts, prisoners of war, etc. He further stated that under the Tort Claims Act the attorneys fees are limited to 20 per cent, and that there is no distinction made in the statute with reference to the fees when the cases are settled or when they proceed to trials and final judgments are entered.

12. Judge Thomas M. Kennerly, of Texas, reported for the committee on Ways and Means of Efficiency and Economy in the Courts. He stated that his committee strongly recommended pre-trial hearings and stated that it was the opinion of his committee that it saved time and expense for the lawyers, litigants, and for

the government. He then stated in somewhat detail, the system that he used in his district with reference to pre-trial hearings.

13. The conference voted to disapprove a bill which would authorize district judges to transfer cases from one division to the other.

14. Judge Semore Lynne, of Alabama, reported for his committee on Rules of Civil Procedure, and pointed out some defects in the rules, and recommended some changes and amendments that should be made.

15. Judge Robert L. Russell, of Georgia, made the further report on Civil Procedure, and his committee recommended amending Rule No. 20 so that "Offenders would be tried where offenses are committed." The conference approved his recommendation.

16. Judge Barker, of Florida, presented a resolution with reference to each delegate paying \$10.00 each year as an entertainment fund for the lawyers and judges who attend, since there is no provision in the statute for the expenses of the conference to be paid out of public funds.

17. Honorable Robert Troutman, of Macon, Georgia, a delegate from the Georgia State Bar Association, made a report which carried several suggestions for shortening written opinions of the supreme courts of the states. Mr. Troutman stated that the voluminous opinions from all of the courts that lawyers are now required to purchase in order to keep their law offices up to date, was becoming almost prohibitive.

18. Judge Hoyt Davis, of Georgia, made a report to the conference for his committee on, *Efficiency and Economy of Probation*, and on the, *Pre-Trial Sentence Investigation*, and stated that his committee thought that pre-trial sentence investigation was desirable, but should be left in the discretion of the district judges.

19. Mr. Justice Hugo L. Black, of the Supreme Court of the United States, talked to the conference off the record, and gave us a kind of history of his life, and his boyhood spent in Clay County, Alabama, and gave much credit to the contribution of district state judges to their respective communities, and he spoke of our southern tradition, and our southern way of life, and said we should continue to fight for our way of life, but we are all Americans, he said. Judge Black attended the conference in 1947, and also attended the 1948 session. He is a most cordial person, personally.

20. Honorable Robert N. Denham, General Counsel National Labor Relations Board, discussed in detail, *Provisions of the Taft-Hartley Law*, and a copy of his address may be secured from his office in Washington. He dealt with all phases of the act, the government in relation to emergencies, the employer, and the employee, and the rights of each under the act, and gave a number of specific instances on cases decided and now pending, dealing with certain phases of the act.

The conference was then adjourned, and all of the judges, lawyers, delegates, and their wives, enjoyed a luncheon and harbor trip aboard the S. S. *Good Neighbor* on the Mississippi River, as guest of The Board of Commissioners for the Port of New Orleans.

The Federal Judges Conference of the Fifth Circuit Court of Appeals was officially called to order at 9:30 A.M., on the morning of May 26, 1949, in the Circuit Court of Appeals Courtroom in the Federal Building in New Orleans, Louisiana. Judge Joseph C. Hutcheson, Jr., of Houston, Texas, now Chief Judge, presided.

Delegates attending from Mississippi for 1949 were: Phil Stone, President of the State Bar, Oxford, Fulton Thompson, Jackson, Robert Thompson, Gulfport, Robert Farley, Dean of the University of Mississippi Law School, University, Robert Nichols, Jackson, and Lester Clark, of Hattiesburg.

1. Judge Joseph C. Hutcheson, Jr., Chief Judge, in his opening remarks, gave a brief history of the Federal Council since 1922, and then the history of this conference since 1939, when this particular conference was created by an act of Congress. For your information, there are eleven judicial conferences in the United States; one for each circuit. The senior circuit judge of each circuit presides over the conference. The United States Supreme Court judge from each circuit is also a member of the conference, and it is his duty to attend. The Fifth Circuit conference is made up of the six circuit judges, and as is now constituted, there is one circuit judge from each state, and all of the district judges, and three lawyer delegates from each state within the circuit. These lawyer delegates are appointed by the various state bar presidents; one is appointed for three years, one two years, and one for one year, and each delegate has an alternate, likewise appointed, and for the same period of time. The alternate, however, may vote and participate in the conference whether the delegate be present or not. It was conceded by all that the conference this year was the best ever held. The second day of the conference was allotted in toto to the lawyer delegates, and perhaps for the first time the lawyer delegates were able to tell the judges, circuit and district, what they thought of some of their practices and opinions.

Honorable Will Shafroth, Chief of the Division of Procedural Studies and Statistics of the Administrative Office of the United States Courts, gave a statistical review of the "case load" of each judge in each district in the United States. This review indicated very clearly that the Southern District of Florida, the Southern District of Texas, and the Northern District of Georgia, had entirely too heavy "case load," and new districts and new judges were needed. The statistics also indicated that the business of the Federal courts, on a national scale, had increased about 50 per cent since 1941, and that the business within the Fifth Circuit had increased 75 per cent, which is the highest "case load" in the nation, which would indicate that business conditions within the Fifth Circuit have greatly improved and increased, and that new districts and new judges will be necessary in order to properly expedite the business of the courts. I understand that bills have been introduced to establish new districts within the Fifth Circuit, and which will necessitate appointment of new judges, of course, if these bills are passed by Congress. It was stated that the statistics merely indicated a general trend, and that the purpose was not to indicate that some of the Federal judges were not doing enough work, but it was to prove to Congress that new districts and new judges were needed, and also to indicate to the chief judge of the Fifth Circuit the districts with lighter case loads so that in calling on district judges to help in other districts he would know not to call on those who were already more than overloaded with business in their own districts. I made some notes on the Northern District of Mississippi, presided over by Judge Allen Cox, and the Southern District of Mississippi, presided over by Judge Sidney Mize. The statistics indicate that the business in the Northern District of Mississippi, was about the national average, except on the criminal docket which appears to be slightly below the national average, but condemnation suits in the Northern District of Mississippi, seem to have been very high. In the southern district the statistics show 345 civil cases per judge during the year 1948, where the national average was only 205, and 203 private cases, where the national average was only 117; 304 criminal cases with the national average only 167. With this tremendous increase in business in the Southern District of Mississippi, it would appear that in the not too far distant future, another

district and another judge will perhaps be necessary in order to expedite the business of the court.

2. Judge Allen Cox, of Mississippi, made the report for the Legislative Committee. At the outset, he stated that he had gotten permission from Judge Hugo L. Black, Judge Sibley, and Judge Hutcheson, to "cuss" a little in making his report. He stated that some of the legislation they had studied, which is proposed, or now pending in Congress, is good, some is foolish, and some is vicious. He stated there are now two bills in Congress to make the amount in diversity cases either \$10,000 instead of \$3,000, as it now is, or \$15,000 instead of \$3,000, as it now is. In other words, one of the bills proposes to raise the limit to \$10,000 for removal purposes only, and the other proposes to raise the limit to \$15,000 for removal purposes only, but the bills do not affect, or attempt to set any amount in cases that are brought originally in the Federal courts. These amounts are proposed merely, as he stated because the value of a dollar when the \$3,000 amount was fixed has so greatly decreased that \$10,000 now in actual value would be about what \$3,000 was a number of years ago. His committee did not recommend the passage of either bill, but stated if the conference favored either of the bills, his committee had rather have the \$10,000 limit than the \$15,000 limit. The conference voted to leave it as it is. His committee recommended disapproval of an act which would require the Federal district judges to appoint a new jury commissioner every year, and which act fixes it where a jury commissioner cannot succeed himself. The conference voted to back up the committee and disapprove the passage of this act. It was thought by Judge Cox that it would take about a year to familiarize a jury commissioner with his duties, and that under that act they would always have an inexperienced man as a jury commissioner.

3. Honorable Fred G. Hudson, Jr., lawyer delegate, from Monroe, Louisiana, presented to the conference a resolution requesting the conference to go on record as favoring the passage of House Bill No. 3766, introduced by Representative Boggs, of Louisiana, and Senate Bill No. 1681, introduced by Senator Ellender, of Louisiana, which bills would make it an offense against the government for any person to parade or picket in front of a courthouse or building where a judge, juror, witness, or other officer of the court is housed, and provides a \$5,000 fine or imprisonment for one year, or both, on conviction. It appears that these bills were drawn and introduced in Congress because of the unsightly picketing, or parading, in front of the courthouse in New York where several communists are on trial. The conference voted unanimously to approve the passage of these bills.

4. Judge Samuel H. Sibley, Senior Circuit Judge, of Atlanta, Georgia, discussed, *Habeas Corpus Alias Writ of Error*. He said the growth of habeas corpus in recent years had been like Henry Wallace's hybrid corn. He further stated that during the 11 years which he served as district judge before he was appointed circuit judge, he had only eight or nine habeas corpus cases in Atlanta where a United States penitentiary is located. In recent years the same court has had more than 1500 cases, beginning with *Johnson v. Zerps* in 1938. He gave an interesting discussion of a thing that happened in Atlanta after this case was decided. It appears that a lawyer was in the penitentiary in Atlanta, and he stated they did have a law library in the penitentiary, and that this lawyer worked on the cases on the inside in cooperation with a lawyer on the outside, and that before they discovered the source of so many habeas corpus cases, some 200 cases had been brought. The warden, however, then transferred the prisoner with the legal mind to another prison, and this seems to have broken up this practice. He further stated that Chief Justice Marshall said that the Supreme Court of the United States was without authority to entertain a habeas

corpus in original jurisdiction, and to say that a court had no jurisdiction after it has sentenced a prisoner is a dangerous thing. This case is reported in 3 Peters Reports. As you know, they are now getting releases of a large number of Federal prisoners on the ground that they did not have assistance of counsel when they were tried, or that they pleaded guilty not knowing the import of their plea, or that if they had counsel he was incompetent, or unable to represent them, although in some cases counsel had been hired by him and his family, and was the counsel of his choice. Judge Sibley thought that the growth of habeas corpus in this way is a dangerous trend.

5. Judge Robert L. Russell, of Georgia, read a most excellent paper on other phases of habeas corpus and analyzed a number of cases that appeared to conflict. At the conclusion of his address the conference voted unanimously to have his paper printed and a copy furnished each member present.

6. Honorable Cook Howell, General Counsel for the Atlantic Coast Line Railroad, read a very well prepared paper on other phases of habeas corpus and analyzed a number of cases that appeared to conflict. At the conclusion of his address the conference voted unanimously to have his paper printed and a copy furnished each member present.

7. Honorable Cook Howell, General Counsel for the Atlantic Coast Line Railroad, read a very well prepared paper on *The Defense of Indigents and How Should the Burden of the Bar be Distributed*. He first gave a history of how the defense of indigents first started at a time when in England lawyers did not charge at all for their services, and did not use the law practice as a means of livelihood. He also reviewed the later periods when lawyers were not nearly so busy as they are now, and when their overhead expenses were not nearly so great, and when the appointment of counsel to defend a poor person was a very rare thing compared with the total time that the lawyer had on his hands. He stated now there were simply too many indigent prisoners to be defended, and that lawyers should not be asked to defend them without compensation, and stated that one lawyer had made the point when he was appointed to defend without compensation "that if the court required him to serve without compensation it would be subjecting him to involuntary servitude in violation of the Federal Constitution." The conference earlier, on Judge Cox's report, voted to disapprove a bill now pending which would require the government to pay a lawyer at least \$15.00 in each case where he was appointed by the court, and not more than \$20.00 per day if he was engaged more than one day in the defense of his client. It was Mr. Howell's opinion, and the opinion of the conference, that if a lawyer is appointed by the court that a competent lawyer should be appointed, and that young lawyers, just for the purpose of getting some experience, should not be appointed unless an older lawyer is also appointed, but Mr. Howell thought that a young lawyer, or an older lawyer, should be paid for his services a reasonable amount, and not just a token amount.

8. The conference voted unanimously to disapprove Senator McCarran's bill to establish an Administrative Court in Washington. The provisions in this bill are far reaching, and if established, would be a dangerous precedent to set.

9. Mr. Justice Hugo L. Black, of the Supreme Court of the United States, addressed the conference, off the record, on the work of the Supreme Court, writing opinions, the language used, etc., and said that in many countries that no dissenting opinions of judges could be found at all, and the fact that judges in this country are writing their dissenting opinions was, in his opinion, what makes the judicial system of this country great. He further stated that the men who wrote the Constitution

knew the frailties of mankind, and knew that if men were angels no laws would be necessary, and if judges were angels no restrictions would be necessary.

10. Honorable Fred Hudson, Jr., a lawyer delegate, from Monroe, Louisiana, led the discussion on pre-trial conferences: (a) Are they properly conducted? (b) Should they be used more frequently? He stated that in Louisiana the pretrial practice was used widely and successfully and satisfactorily to both plaintiff and defendants, but it developed in the discussion that a very small percentage of the district judges are using extensively the pre-trial conference practice. During the discussion, Mr. Gurney, a lawyer delegate, from Orlando, Florida, stated that he personally liked the pre-trial practice, but that many country lawyers did not like it, and were of the opinion that it was an effort to force them to compromise their cases.

11. Honorable Charles Bloch, lawyer delegate, from Macon, Georgia, spoke on the subject, *The New Removal Procedure*. He stated that an amendment was needed to clarify just when the 20 days limitation would start running, whether it was from the day the complaint was filed, the day of the service of process on the defendant, or in case of a non-resident, whether it would start from the day the non-resident received the process by registered mail. It appears that a proposed amendment to take care of these points has already been prepared and perhaps introduced in Congress. During the discussion some of the lawyers criticized the provision in the act which provides that if the district Federal judge on a motion to remand, orders the case remanded back to the state court, there is no appeal from this order.

12. Honorable Miller Walton, of Miami, Florida, spoke on the subject, *Should Each District Court Adopt a Fixed Motion Day?* He stated that they have this practice in Miami, Florida, and the lawyers favor it. But during the discussion some of the lawyers and judges did not think it so desirable in rural areas where a judge would have to travel so far from his home to attend a motion day session, or where the attorneys would. No action was asked for or taken. The discussion of the subject was to provoke a discussion that would be to the benefit of the lawyers and judges present.

13. Honorable H. Payne Breazeale, of Baton Rouge, Louisiana, spoke on the subject, *Should the Judge Voluntarily on his own Motion Excuse a Jury While Exceptions to the Charges are Being Argued?* He stated that it was the practice in his district in Louisiana for the judge to recess or excuse the jury, and counsel on both sides retire to the judge's chambers and present instructions that they thought ought to be given, or exceptions, that they thought ought to be granted. The conference agreed with this.

14. Honorable Fulton Thompson, of Jackson, Mississippi, discussed the subjects: (a) *Is It Desirable That Records Be Sent Up on Appeal Entirely in The Original?* (b) *Is It Desirable That Mimeographed Records Be Sent Up on Appeal?* Mr. Thompson had secured some valuable information from other circuits on this subject, and it seems that some of the circuits follow the practice of sending up all of the original records. In other words, the entire court file on appeal, and when the case is finally decided by the circuit court on appeal, the file is then returned to the clerk with whom it was originally filed. There was considerable objection to adopting such a rule, and Mr. Thompson did not propose that such a rule be adopted, but merely brought before the conference that practice being used in different circuits, to provoke discussion on the subject. It developed that a rule of the court in the Fifth Circuit permits records to be mimeographed, and also permits lawyers to attach excerpts from the testimony to his brief. The conference decided to leave it as it is.

15. Honorable Lamar Cecil, lawyer delegate, from Beaumont, Texas, discussed the subject, *Do the District Judges Observe Proper Limits in Commenting On the Evidence in the Course of Their Charges to the Jury?* In the discussion that followed, Judge Robert L. Russell, of Georgia, stated that in his state the state law prohibited a judge from commenting upon the evidence in any way, and that the judges in Georgia followed the state practice because that was the way they had been trained, or some words to that effect. He wanted a show of hands of the judges that would comment upon the evidence, but no hands were shown. The point was made that it might embarrass some of the judges, but he stated that it was not his intention to embarrass anyone, but merely to know what practice they followed. At any rate, one of the judges stated that he summed up the evidence at the conclusion of the testimony, and defined the issues, but did not comment upon the weight of the evidence. Mr. Cecil gave as an example the commenting of a Federal judge, perhaps not within the Fifth Circuit, who stated to the jury in a narcotic case, words to this effect: "You noticed the defendant wringing his hands while he testified; you are instructed that that witness was lying." The circuit court of appeals held this reversible error. It seemed to be the opinion of the conference that a judge should not comment on the evidence in the course of his charge to the jury.

16. Honorable Sumter D. Marks, Jr., a lawyer delegate, from New Orleans, Louisiana, discussed, *Do the District Judges Keep Submitted Matters Under Advisement Longer than is Necessary?* At the outset of his remarks, Mr. Marks exonerated the judges in his district of any dereliction in this regard, which appears to have been a natural act of southern diplomacy, but the facts seem to bear out his statement that no complaint had been made in his district on this point, but that complaints had been made in some of the districts within the circuit, and they wanted the lawyers to discuss it. In the discussion that followed by the judges and lawyer delegates, it appeared that it was the feeling of the conference that a judge should decide cases taken under advisement as promptly as possible after all the briefs are in.

The conference was officially adjourned at 4:00 P.M., Friday afternoon, May 27, 1949. Your delegates are of the opinion that these conferences perform a great service, and certainly feel it an honor and privilege to associate with all the judges within the circuit, and with outstanding lawyers from other states. We have tried to bring to you at least a few of the high points of the program so that all the lawyers of the Mississippi State Bar can at least receive some benefit from our attending these conferences.

Phil Stone
Robert Thompson, Jr.
Fulton Thompson
Robert G. Nichols, Jr.
Lester Clark
Robert Farley

REPORT OF THE JUNIOR BAR SECTION

For the past year the Junior Bar Section has been engaged in various activities of great importance to the bar and also to the public. Prominent among these activities are the works of the following: The Committee on Cooperation with the Jackson Bar Association in sponsoring the annual Law Institute in Jackson which is held annually in the fall and which has been handled by Dan Shell of Jackson; number two, the Public Information Program Committee, under the leadership of Billy Quinn of Vicksburg; number three, the Admission to the Bar Committee headed by James

Alexander, Jr., of Jackson; number four, The Code and Study Committee under the direction of Robert Nichols, Jr., of Jackson; number five, the work of the Executive Committee in studying the necessity of a Third Federal Court District in Mississippi, which was headed by James Robertshaw of Greenville; number six, the work of the Executive Committee in planning and drafting by-laws for the government of the Junior Bar Section under the supervision and direction of W. Arlington Jones of Hattiesburg.

The fact that these committees have performed well and even above and beyond the call of duty is evidenced by the splendid written reports which their chairmen have filed with and which were adopted by this Junior Bar Section in its annual assembly yesterday.

The length of these reports prevents me from reading them at this time. However, I do urge that the members of this association, and especially the committees for the coming year, give each of these reports careful study and consideration.

The Junior Bar Section at its annual convention yesterday made the following specific recommendations to the Mississippi State Bar Association:

The first is that this association actively support the passage by the Mississippi State Legislature of the proposed bill adopted by both the Junior Bar Section's Admissions to the Bar Committee, and the similar committee of the Mississippi State Bar Association, which deals with reconstituting the Board of Bar Admissions and raising the requirements for admissions to the bar.

The second recommendation is that a Legislative Committee be appointed to accomplish that purpose with authority to amend the proposed bill if this should become necessary to promote its passage. This was the bill that you gentlemen have just voted on. I know the Junior Bar Section will be happy that you followed its recommendations before you found out what its recommendations were.

The next recommendation was that this association place itself on record as seeking the appointment of a third Federal judge for the state, and as seeking the creation of a third Federal Court District, and that a committee be appointed to follow through with the necessary action to accomplish this object.

I should add a few remarks and a suggestion concerning this proposed undertaking. James Robertshaw, of the Executive Committee, from Greenville, has done an exceedingly thorough and outstanding piece of work in assembling factual data for this report, and also in presenting these findings in an able manner to the section. This report has been mimeographed by Jim, and a limited number of copies have been made available here at the convention. I hope you have been able to secure a copy of this. Some were at the desk and some were in here. It would be the chairman's suggestion that the report in its entirety be printed in the *Mississippi Law Journal*, and a special committee be appointed by the association to study the data contained therein and report back to this association.

The next recommendations are those of the Code and Study Committee. This committee made 21 recommendations which are on file and have been adopted by the Junior Bar Section. Because they pertain to numerous code sections and can be given consideration and the sanction which they deserve only through mature study, it is also the suggestion of the chairman that this report be delivered to the chairman of the Study Committee of this Association for the coming year and that a report thereon be made by that chairman at the next annual convention of this association.

The Junior Bar Section last night elected W. Arlington Jones, of Hattiesburg, as Chairman, and Cage Brewer, of Clarksdale, as its Vice-Chairman for the coming year. These gentlemen have done a splendid job on the Executive Committee during the past year, and I feel sure they will do outstanding work for the section during the coming year.

In conclusion I want to personally thank Mr. Phil Stone, our president, and all of the commissioners for their friendly cooperation and willing assistance which has been given to us throughout the year.

Respectfully submitted,
George F. Woodliff.

REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR

On August 20, 1948, the Honorable Phil Stone, President of the Mississippi State Bar, appointed a Committee on Legal Education and Admissions to the Bar to further study the work done by previous committees on this subject and to draft a bill for submission to the legislature in 1950 which would not only represent the wishes of the members of the bar, but which would also embody a practical program which should be acceptable to the members of our legislature. The committee as appointed embraced both older lawyers and younger members of the bar and represented all sections of the state.

At the 1947 convention of the Mississippi State Bar a report of the joint committee of the state bar and the Junior Bar Section dealing with Legal Education and Admissions to the Bar was adopted. Pursuant to the directive of the then president, the Honorable Stokes V. Robertson, Sr., the said committee drafted a bill incorporating the recommendations of the bar association and submitted the same to the legislature of 1948. When this bill was introduced in the house, it was found that there was considerable opposition to it in the form recommended by the bar convention, and as a result, there was prepared and approved in the House Judiciary Committee a substitute bill. This substitute bill was well handled by the Honorable Walter Bridgforth, Representative from Yazoo County, but in spite of fine work on his part, considerable opposition arose against it and when it was brought before the house for consideration, it failed to pass, the vote being 69 against, and 40 for the bill.

At the 1948 meeting of the Mississippi State Bar the committee report analyzed the reasons for the failure of the bill as originally proposed, and the committee recommended that the new president of the Mississippi State Bar appoint a new committee to present a proposed act to the bar association at its 1949 meeting, which in its opinion would represent the wishes of the bar, but which would also be acceptable to the legislature.

The present committee, many of whom were on former committees, have carefully considered the reasons why this legislation failed to pass in the 1948 legislature and have attempted in the act as redrawn to do away with numerous objections as made on the floor of the house.

As in every organization, there are differences of opinion within the bar as to what should constitute a fair standard for admission. One of the problems undertaken by the committee has been to evaluate these various opinions and to determine what would be a fair measure which would not only be acceptable to the members of the bar, but which would stand a reasonable chance of passage by the legislature.

One point upon which there has been little or no controversy is the belief that the Board of Bar Admissions should be reorganized. Almost every lawyer to whom the committee has talked, and every member of the committee has felt that the Board of Bar Admissions should be reconstituted. It is felt that one of the greatest needs is that of insuring a Board of Bar Admissions composed of well qualified lawyers, and to insure by staggered terms that the board always has a nucleus of experienced men. The recommendations in the proposed act pertaining to the reorganization of the board are approved by the present members of the board and embrace their recommendations.

In order to insure uniformity in the Board of Bar Admissions, the proposed act as submitted by your committee requires that the supreme court nominate in writing 18 licensed attorneys of the State of Mississippi, six of whom shall be residents of each of the three supreme court districts. From this list the governor shall appoint six attorneys, being two from each supreme court district who will constitute the board. Two members appointed shall serve for one year, two for two years, two for three years. Upon the expiration of each member's term his successor shall be appointed for a three year term.

Another change in the present law deals with the qualifications for the admission to the bar. The proposed act, which is Exhibit A of this report, provides that an applicant for the bar examination must have either completed two regular school years of at least eight months each of the general course of study in a school of law, which may either be a day or night school, or that he has studied under a responsible practicing attorney for a period of not less than two years, which attorney must be approved by the board, and that in addition to complying with one or the other of the above requirements, the applicant shall submit proof satisfactory to the board that he has successfully completed two full years of college work or its equivalent.

There are other minor changes embraced in the proposed act which we shall not discuss at this time, but the above represents the essentials.

The committee felt that an applicant for admission to the bar in Mississippi should have not less than two years of college training. In this connection, it must be remembered that the bar act now in effect originated in the year 1916 prior to the creation of junior colleges in the State of Mississippi. Since 1916 the educational level of our citizens has risen considerably, and there are throughout the state at this time some 14 or 15 accredited junior colleges, so located as to be available to almost everyone at nominal cost. The committee unanimously felt that a high school education or its equivalent is today not a sufficient background for an attorney and that to admit a person to practice with only such educational background is rendering a disservice both to the attorney and to the public.

The committee unanimously agreed that some legal training was necessary. This training can be accomplished either by study in an accredited law school, be it day or night school, or by study under the supervision of an approved practicing attorney. While it is not the desire of the committee, nor of the bar, to discriminate against any worthwhile candidate, it is felt that such requirements are reasonable and will in time improve the caliber of the entire profession.

The committee is frank to state that the act as drawn for submission to the bar association is a compromise measure attempting to satisfy the major criticisms levelled at our previous efforts.

In recommending that the bar association adopt this act, the committee would remind each lawyer present that there is considerable difference of opinion within

the bar as to what standards should be sought. There are those who would seek to make the requirements considerably higher and on the other hand, there are those who undoubtedly think the bill as drawn is too strict. The committee is confident that this bill as drawn is an improvement over the present existing system and because of the past experience and the result of efforts to pass legislation formerly proposed, feels that if the bar association adopts this measure and endorses it whole heartedly, we stand an excellent chance to have this measure enacted into law by the next session of the legislature. We have yet to talk to a lawyer in this state who does not favor the raising of the standards of admission to the bar. The only difference of opinion is as to how this shall be accomplished. This bill is the committee's recommendation for the accomplishment of this much needed improvement.

All of the members of the Mississippi State Bar are proud of their profession. All of the members of the Mississippi State Bar desire that the dignity of the profession be increased and that it be better able to serve the public. The law profession can only serve the public efficiently in proportion to the caliber of the members practicing. If the practice of law is a worthwhile profession, it should be worthwhile to the individual seeking to engage in it to secure adequate education and to come into the profession with sufficient training to insure that he can serve the public capably and well.

In conclusion, your committee unanimously recommends that the Mississippi State Bar endorse this proposal, or with such amendments as may be agreed upon, and that the incoming president be directed to appoint a legislative committee to present this bill to the 1950 legislature; that such committee be empowered to modify the provisions of this act if in their opinion, the same would not pass as drawn. Finally, the committee urges all members of the bar to assist in the passage of this act.

Respectfully submitted,
Tom Tubb, Chairman
James A. Alexander, Jr., Secretary
Ramon Burgess
John C. Satterfield
Carroll Gartin
W. D. Coleman
Sebe Dale, Jr.
Charles S. Tindall, Jr.

EXHIBIT "A"

TO THE REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR

AN ACT AMENDING SECTION 8647 OF THE MISSISSIPPI CODE OF 1942 TO RECONSTITUTE THE BOARD OF BAR ADMISSIONS; AMENDING SECTION 8648 OF SAID CODE TO REQUIRE THE SECRETARY OF THE STATE BAR TO ACT AS SECRETARY FOR SAID BOARD; AMENDING SECTION 8650 OF SAID CODE AS TO POWERS OF SAID BOARD; AMENDING SECTION 8654 FIXING QUALIFICATIONS AND RAISING EDUCATIONAL REQUIREMENTS OF APPLICANTS FOR ADMISSION TO THE BAR AND ESTABLISHING STANDARDS FOR LAW SCHOOLS; AMENDING SECTION 8662 OF SAID CODE AS TO APPLICANTS' LICENSE FEES, AND REPEALING SECTION 8662 OF THE SAID CODE OF 1942.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

Section 1. That Section 8647 of the Mississippi Code of 1942 be and the same is hereby amended so as to read as follows:

Section 8647. BOARD OF BAR ADMISSIONS. There is hereby created a board to be known as the Board of Bar Admissions to be chosen as follows:

Within 30 days after the passage of this act and every three years thereafter, the Supreme Court of Mississippi shall nominate in writing 18 licensed attorneys of the State of Mississippi, six of which shall be residents of each of the three Supreme Court Districts of Mississippi, and shall submit the same to the governor. Within 30 days after the submission of such nominations, the governor shall appoint from such list six of such attorneys, two from each Supreme Court District, two to be appointed for a term of one year, two to be appointed for a term of two years and two to be appointed for a term of three years, as designated in the appointment by the governor, and upon the expiration of the term of office of each member the governor shall thereupon appoint the successor to serve for a term of three years from those remaining upon the list of nominations by the supreme court. If the time or times herein fixed shall expire without such nominations or appointment, then the Supreme Court of the State of Mississippi and the governor, respectively, shall have a reasonable time thereafter in which to act. In case any member shall be or become unable or unwilling to act, his successor shall be appointed by the governor from those remaining on such list within a reasonable time thereafter, and such member shall serve for the unexpired term to which he is appointed. If, for any reason, the list of remaining nominations becomes reduced, at any time, so that there remain thereon less than two nominees who are able and willing to act in any position on said board which may become vacant, the governor may request the said court to supplement said list by additional nominations so that there will be available three nominees for each of the posts to be filled.

Section 2. That each member of the Board of Bar Admissions shall be compensated for his services as a member of said board in preparing, giving, and grading the examinations at the rate of twenty-five dollars (\$25.00) per day, plus any expenses incident to the proper performance of his duties, including traveling expenses. That the reasonable expenses of the administration of this Act, including investigation of all applicants for admission, may be incurred and paid by said board. All such compensation and expenses shall be paid by the Mississippi State Bar, upon requisition in writing by the said Board of Bar Admissions.

Section 3. That Section 8648 of the Mississippi Code of 1942 be and the same is hereby amended to read as follows:

Section 8648. The Secretary of the Mississippi State Bar shall serve also as Secretary of the Board of Bar Admissions and the duties of such secretary shall be as follows:

(a) Dissemination of information as to the prerequisites which a person must have prior to taking the bar examination,

(b) Receiving and examining applications of persons desiring to take the examination,

(c) Keeping on file all examination papers for at least five years after said examinations have been taken.

- (d) Keeping on file all information as to applicant,
- (e) Keeping a record of all meetings and proceedings, and keeping all minutes and records of the Board of Bar Admissions,
- (f) Receiving application fees,
- (g) Receiving from and preserving all records of previous Boards of Bar Admissions, including lists of former applicants for admission.
- (h) Investigating all applicants for the examination under direction of the board.
- (i) Such other duties as the Board of Bar Admissions may determine.

Section 4. That Section 8650 of the Mississippi Code of 1942 be and the same is hereby amended to read as follows:

POWERS OF BOARD. In addition to the authority given in this act said board shall have the powers and discharge the duties provided for in Title 32, Chapter 2 of the Code of 1942. The said board is hereby empowered to make all rules and regulations necessary and proper for the effective carrying out of the provisions and objectives of this act and of said chapter.

Section 5. Every person desiring admission to the bar, excepting those persons exempt by Section 8660 of the Mississippi Code of 1942, shall be required to take and pass the bar examination in a manner satisfactory to the Board of Bar Admissions.

Section 6. That Section 8663 of the Mississippi Code of 1942 be and the same is hereby repealed, provided that any bona fide students now enrolled in the law school of the University of Mississippi who continuously pursue their course of study to successful completion shall be permitted to practice law as now provided in said Section 8663 of the Code of 1942.

Section 7. That Section 8654 of the Mississippi Code of 1942 be and the same is hereby amended to read as follows:

Section 8654. QUALIFICATIONS OF ADMISSION. The applicant for admission to the bar, in order to be eligible for the examination for admission, shall be a citizen of the United States and an actual bon afide resident of this state for a period of one year preceding the date of such application, above the age of 21 years, of good moral character and shall present to the Board of Bar Admissions satisfactory evidence:

1. That he has successfully completed two regular school years of at least eight months each of the general course of the study of law in a law school (which may be either day or night school) which has been either (a) in active existence for more than ten years prior to the date of the application involved, or (b) has been approved by the said board as an institution giving a general course of study of law reasonably equivalent to the study as is hereinafter required under an approved Mississippi attorney.

2. That in compliance with the provisions hereinafter set forth he has successfully pursued a general course of the study of law for a period of not less than two years under the supervision of a reputable Mississippi attorney, who has actively practiced not less than five years before the beginning of such course and has been approved by said board in compliance with the provisions hereinafter set forth.

3. That in addition to complying with either of the above requirements that the applicant shall submit proof satisfactory to the board that he has successfully completed two full years of college work, or its equivalent, in a standard college or has graduated from a junior college, teachers college or normal school requiring two full years of college work for graduation or has taken and successfully passed examinations in subjects equivalent to such two years course of study in a college, which examination is given by a standard college or junior college and satisfies their requirements for credit therein.

Section 8. A person intending to apply for examination predicated in whole or in part upon the study of law under the supervision of a Mississippi lawyer shall comply with the following conditions:

(a) Notice in writing shall be given to the board by the applicant and the attorney under whom the study is to be had at the time of or prior to the beginning of such study and more than two years before the examination to be taken by the applicant.

(b) Within a reasonable time after receipt of such notice, the board shall notify the student as to whether or not such attorney is approved by the board.

(c) Such attorney shall report in writing to the board in accordance with rules and regulations which may be adopted by the board, but not less than every six months, and such report shall contain such information as may be required by the board including a statement of the courses studied, the progress being made in the same, and whether or not the study is being prosecuted satisfactorily. Provided, if reasonable causes be shown for delay in such reports, the same may, in the discretion of the board, be received after the due date thereof.

(d) Ninety days prior to the date of the examination the attorney shall file an affidavit in accordance with rules and regulations which may be adopted by the board, showing that the course of study has been satisfactorily carried on and is expected to be completed at least 30 days prior to the date of the examination, and the student shall file written notification of intention to take the examination at the time named in such notification and prior to such examination there shall be filed affidavit of the attorney that such course has been actually fully and satisfactorily completed.

Section 9. That Section 8662 of the Mississippi Code of 1942 be and the same is hereby amended to read as follows:

Each person applying to take the bar examination shall be required to pay an application fee of \$25.00 to the Secretary of the Board of Bar Admissions, and all such fees shall be deposited to the credit of the Mississippi State Bar. Each application shall be filed and the fee paid at least 90 days before the date of the bar examination to which the application may apply, subject to submission of proof as herein provided, 15 days prior to the examination.

Section 10. The educational requirements both as to general education and legal education shall not apply to any bona fide students now enrolled in a law school, provided they continuously pursue their course of study to a successful completion. The education requirements also shall not apply to any person now engaged in private study for admission to the bar provided they shall give notice in writing to the said Board of Bar Admissions of such fact within 90 days after the effective date of this act, and thereafter shall make such reports as may be required by the Board of Bar Admissions.

Section 11. All laws or parts of laws in conflict herewith, to the extent only that they may be in conflict, are hereby repealed, but, where the same are not in conflict, the provisions of this act shall be cumulative of such other existing law.

Section 12. If for any reason any section, paragraph, provision, clause or part of this act shall be held unconstitutional or invalid, that fact shall not effect or destroy any other section, paragraph, provision, clause or part of this act not in and of itself invalid, but the remaining portion hereof shall be in force without regard to that so invalidated.

Section 13. This act shall be known and cited as the Bar Standards Act of 1950.

Section 14. This act shall take effect and be in force from and after May 1st, 1950.

REPORT OF THE MEMORIAL COMMITTEE

Services were held September 13, 1948, in the Supreme Court Room, New Capitol, Jackson, Mississippi, in memory of all lawyers who died between September 1, 1947, and September 1, 1948.

Honorable W. H. Watkins, Sr., of the Jackson Bar, and Judge W. G. Roberds, Associate Justice of the State Supreme Court, memorialized the late Chief Justice Sydney Smith. Honorable W. A. Beard, Jr. of the Laurel Bar spoke briefly in memory of the late Judge T. Webber Wilson, of Coldwater, Mississippi.

Honorable Hugh Clayton, of the New Albany Bar, memorialized the late Judge Alvis M. Mitchell, of Pontotoc.

Other short talks were made memorializing other deceased members of the bar.

The supreme court room was beautifully decorated with flowers, and all six members of the court were present. The Honorable V. A. Griffith, Chief Justice, responded for the court in memorializing all of these deceased brethren. There were approximately 100 people present at the memorial services.

Those of our brethren who departed this life between September 1, 1947, and September 1, 1948, are as follows:

Miss Catherine Bass, Jackson
R. Leon Bass, Belzoni
Z. A. Brantley, Louisville
C. F. Burnaman, Brookhaven
Joe B. Coursey, Hattiesburg
Neil T. Currie, Hattiesburg
R. D. Denman, Greenwood
S. H. Davis (Judge), Indianola
F. W. Elmer, Biloxi
C. E. Gibson, Monticello
Byron J. Goss, Columbia
T. P. Guyton (Judge), Kosciusko
Fleet C. Hathorn, Hattiesburg
D. B. Holmes, Jr., Meridian
Frank Clark Holmes, Sr., Hernando
G. W. Hosey, Laurel
O. C. Luper, Prentiss
James M. Mars, Philadelphia

Hugh Barr Miller, Jackson
A. M. Mitchell, Pontotoc
W. M. Mitchell, Grenada
J. H. O'Neal, Clarksdale
E. C. Patty, Macon
S. D. Redmond, Jackson
Edw. B. Sauls, Jr., Jackson
H. A. Shotts, Meridian
Sydney Smith, (Judge), Jackson
W. P. Stribling, Columbus
Littleton Upshur, Greenwood
W. W. Venable, Clarksdale
B. F. Wasson, Greenville
H. J. Wilson, Hazlehurst
Kit Williams, Memphis, formerly
of Yazoo City
T. Webber Wilson, Laurel
P. B. Woollard, Cleveland

The following brethren have died since September 1, 1948, and have not yet been memorialized :

Arden Barnett, Clinton and Jackson
W. L. Bankston, Tunica
S. B. Berry, Waco, Texas
M. D. Brown, DeKalb
John B. Cox, Shreveport, La.
H. H. Evans, Gulfport
J. Hunter Garth, Hazlehurst
Bee King, Mendenhall
G. M. Milloy, Prentiss
V. V. Montgomery, Edwards

Judge Arthur Busby, Meridian
George H. Butler, Jackson
Miss Helen Carlos, Yazoo City
L. K. Carlton, New Albany
Urithorn Parker, Wiggins
Tom Shelton, Lambert
Louis V. Smith, Ellisville
Robert B. Terry, Jackson
Garland Q. Whitfield, Jackson
H. J. Wilson, Hazlehurst

Respectfully submitted,

Walker Broach
Thomas J. Watkins
R. M. Kelly
Hugh Clayton

W. C. Keady
Jo Drake Arrington
David E. Crawley, Jr.
Ross R. Barnett, Chairman

REPORT OF THE COMMITTEE ON PROCEDURAL REFORM OF THE MISSISSIPPI STATE BAR

The undersigned, constituting the membership of the Committee on Procedural Reform, beg leave to submit the following brief report to the 1949 meeting of the Mississippi State Bar in convention assembled and to the commissioners thereof.

It can be recalled that at the meeting of the bar in 1947 a joint committee from the state bar and the Junior Bar Section was appointed for the purpose of drafting an act vesting in the Supreme Court of the State of Mississippi the power to prescribe from time to time general rules of pleading, practice, and procedure in civil cases in the chancery, circuit, and county courts of the state, providing also for the appointment and functioning of an advisory committee of judges, lawyers, and laymen to work with the court, and also providing that the rules adopted by the court should be submitted to the legislature for rejection, modification, or change. This proposed statute was then presented to the Mississippi Legislature at its 1948 regular session, but failed of passage,

The state bar in 1947 felt that the best way to secure an adequate revision of the rules of procedure was as provided in this statute, and we of this committee still adhere to this belief. We have made only a slight change in the former draft of this act in Section 5 thereof so as to permit compensation to the secretary of the committee of not to exceed \$150.00 per month and to permit expenditure of an additional \$150.00 per month for stenographer's hire, the former proposal being entirely inadequate in this report. Though the Mississippi Legislature in 1948 did pass two statutes making certain revisions of the rules of practice and procedure in our law courts, your committee still feels that this constituted only a partial revision and that same was done without that careful study and consideration that ought to go into such work.

We, therefore, recommend that the Mississippi State Bar maintain its position of two years ago and that the bar recommend the passage by the legislature of the act in substance as attached to this report. We, of course, leave to the judgment of the bar and to the new administration for the coming year the matter of whether or

not the passage of such an act should be vigorously advocated by the bar before the next regular session of the legislature.

Respectfully submitted,

Robert Burns, Chairman
Ross R. Barnett
Gerard Brandon
W. C. Keady
Hugh Clayton

E. G. Truly, Jr.
Maxwell Bramlette
Semmes Luckett
Julian Alexander, Jr.

EXHIBIT "A"

TO THE REPORT OF THE COMMITTEE ON PROCEDURAL REFORM OF THE MISSISSIPPI STATE BAR

AN ACT VESTING IN THE SUPREME COURT OF MISSISSIPPI THE POWER TO PRESCRIBE FROM TIME TO TIME GENERAL RULES OF PLEADING, PRACTICE, WRITS, PROCESS AND PROCEDURE IN CIVIL CASES AT LAW AND IN EQUITY IN THE CHANCERY, CIRCUIT, AND COUNTY COURTS OF THIS STATE; AND PROVIDING FOR SUBMISSION OF THE RULES SO PRESCRIBED TO THE LEGISLATURE FOR REJECTION, MODIFICATION OR ADDITION THERETO.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the Supreme Court of the State of Mississippi is hereby authorized to prescribe, from time to time, general rules of pleading, practice, writs, process and procedure with respect to proceedings in civil cases at law and in equity in the chancery, circuit and county courts of this state, but without abridging the substantive law, or the right of trial by jury, and without affecting the respective jurisdictions of the aforesaid courts as the same now exist. And the said authority shall be subject to the further conditions and limitations hereinafter mentioned.

Section 2. The rules aforesaid must first be proposed and recommended by the Advisory Committee herein created or by a majority of the entire membership thereof. When so proposed and recommended, the supreme court may revise, amend, abridge and rearrange the rules so proposed and recommended, or may reject any proposed rule, but shall not prescribe any rule distinctly additional to those so proposed and recommended save with the approval of the Advisory Committee, or by a majority of the entire membership thereof first had and obtained.

Section 3. Said rules shall not take effect until they shall have been reported to the legislature by the filing of a copy thereof by the chief justice of the supreme court with the secretary of the senate and the clerk of the house of representatives at a regular session thereof, during which session the legislature may, by statutory enactment, (1) reject any rule in its entirety, or (2) may modify any rule, or (3) may enact additions thereto. Such rules as may have been so reported to the legislature at least thirty (30) days prior to the final adjournment thereof, together with any modifications and additions thereto made by it, except such rules as may be rejected by the legislature, shall, on the expiration of six (6) months after the final adjournment of the legislature, have the full force and effect of statutes, and thereafter all laws in conflict therewith shall be considered as having been repealed. The rules not rejected by the legislature, together with the modifications thereof and additions thereto, if any, as made by the legislature, shall be consecutively grouped and published in and as part of, the session laws enacted at the said regular session.

Section 4. The Advisory Committee hereby created shall consist of twenty (20) members selected and appointed, each for a term of six (6) years, as follows: (1) Three circuit judges, two chancellors, and one county judge to be designated and appointed by the supreme court; (2) Nine attorneys-at-law of not less than five years experience as active and successful practitioners in the state and federal courts, three to be chosen from each of the supreme court districts of the state. The nine members of this group shall be designated and appointed by the President of the Mississippi State Bar and the Chairman of the Junior Section of the State Bar, acting jointly, subject however to confirmation or reelection by the Commissioners of the State Bar; (3) Five representative citizens of the state, not members of the bar, to be selected and appointed by the governor. Vacancies among the members shall be filled by those authorized to make appointment in the particular group in which the vacancy occurs, the appointment to a vacancy to be for the unexpired term.

Section 5. The Advisory Committee shall select its chairman, vice-chairman, and a secretary, and may prescribe the duties of the secretary and fix his compensation not to exceed one hundred fifty dollars (\$150.00) per month, in addition to which he shall be allowed not exceeding one hundred fifty dollars (\$150.00) per month for stenographer's hire. The committee may adopt such rules, including the setting up of sub-committees, and for public hearings, as will best promote the efficiency and dispatch of its work. The committee may provide for the printing of such reports or other documents as it shall deem necessary. The members of the Advisory Committee shall be reimbursed their traveling and maintenance expenses in attending the meetings of the committee, these and the other expenses herein mentioned to be paid on requisitions approved by the chairman and secretary of the committee, for which a sufficient appropriation shall be made by the legislature.

Section 6. This act shall take effect and be in force from and after its passage.

REPORT OF THE STUDENT EDITORIAL BOARD OF THE MISSISSIPPI LAW JOURNAL

General

The year 1949 will mark the completion of the twentieth volume of the *Mississippi Law Journal*. Since its beginning in 1928, the journal has presented more than 10,000 pages of legal articles, convention proceedings, book reviews, and student notes and comments. At the present time the journal publishes four issues each year, and has a circulation of approximately 2,200 copies per issue. The subscribers include, for the most part, the members of the Mississippi State Bar, the students in the University of Mississippi School of Law, and some 70 law libraries throughout the United States. In addition, the Journal goes to libraries in England, Canada, Argentina, China, Hawaii, Mexico, the Philippines, and Puerto Rico.

Buildings and Facilities

During the past year the 90 year old law journal building, which has served at various times as a physics laboratory, a morgue (during the Civil War), a fraternity house, and a faculty residence, underwent a thorough and much-needed facelifting. Paint and wallpaper were applied to the interior walls and ceilings, some of the floors were sanded and varnished, Venetian blinds were hung, and fluorescent lights were installed. All of these improvements were made through the procurement of Dean R. J. Farley and without expense to the law journal. The building now contains an editorial and business office, a main reception room, and three study rooms for members of the staff. There is currently desk space for 17 students in the building.

One study room is lined with shelves, whereon are stored all of the back issues of the journal. In addition, the building houses a library consisting of the *Southern Reporter*, the *Supreme Court Reports*, the *Mississippi and Southern Digest*, and the *Mississippi Code of 1942*. Each member of the staff receives without charge from the West Publishing Company copies of the *Southern Reporter* and *Supreme Court Reporter* advance sheets, and the journal itself receives the advance sheets of the entire National Reporter System. It should be noted that the accumulation of the library has been without cost to the journal. The books were obtained through the efforts of Dean Farley.

Personnel

Law journal staff membership reached an all-time high during the past year, with the May, 1949 issue carrying a total of 29 students as members of the staff. This seems to reflect a greater interest in the work of the journal and a keener appreciation of the honor which attends membership on the staff. To be eligible for direct appointment to the staff, a student must have maintained a B average on at least two semesters of work in the Law School. However, students with a C plus average on two or more semesters may be eligible for appointment by writing an acceptable case comment. In order to retain their places on the staff, all members must continue to make at least a C plus average and must perform the required work on the journal. This includes the preparation of at least one case comment for each of the first two semesters and one note for the last two semesters.

A recent addition to the editorial board is the post of legislation editor. It will be the purpose of that position to provide a source of information to the journal on various statutes, including some of those now in existence and others which may be proposed. It is believed that a thorough and unbiased appraisal of legislative matters through the medium of the journal will prove beneficial both from the standpoint of improving the statutes themselves and of providing a clearer explanation of newly enacted ones to journal readers.

Another innovation made during the last year was the awarding of engraved and lettered shingles to staff members who had finished their journal careers. Since there is no monetary compensation for any staff members, it was thought appropriate to provide graduating members with a certificate of service.

Issues Published Since the Last Convention

The October, 1948 issue of the law journal contained the proceedings of the 1948 Bar Convention, an index of the four issues comprising Volume 19, a roster of the active members of the bar, and a memorial to the late Chief Justice Sydney Smith. The December, 1948 number was designated as the "Legislative Issue," and the three leading articles consisted of discussions on the new Civil Practice Act, the Workmen's Compensation Act, and the Oil and Gas Conservation Act. In addition, there were 14 case comments and one note by student members of the staff.

The March, 1949 issue consisted of a symposium on workmen's compensation law and featured six leading articles, two notes, and thirteen case comments, all on workmen's compensation subjects. The May number, which will represent one of the most impressive collections of leading articles ever assembled in one issue of the Journal, has been designated as the "Ole Miss Centennial Issue." It will contain six regular leading articles, fourteen student comments and one student note, and a State Bar Section featuring four additional articles by members of the Mississippi State Bar. This State Bar Section will be a regular section of the journal in the future,

and it is hoped that members will avail themselves of the opportunity to have their literary efforts reprinted therein.

Mention should be made here of the delay which has attended the publication of the March and May issues of the journal. The difficulty has been in the inability to obtain articles from the contributors by the deadline date. The deadline, of course, is set some two months ahead of the publication date, but even so it has been virtually impossible to receive all the material in time to insure publication within the month for which the issue is dated.

The Southern Law Review Conference

The third annual meeting of the Southern Law Review Conference was held at Ole Miss on March 25-26, 1949, with the *Mississippi Law Journal* as host. Approximately 70 delegates from 15 Southern law schools were in attendance. Professor William N. Etheridge, Jr., who is the faculty advisor for the *Mississippi Law Journal*, was elected chairman of the conference for the coming year.

Participation in this conference has been found most helpful in keeping members of the staffs of the various publications abreast of the developments in the law journal field and appraising them of better methods of producing law reviews. The expense of the participation of the *Mississippi Law Journal* in the conference has been borne solely by the Law School and the individual members of the staff.

Future Plans

The principal additional project with which the journal is concerned at the present time is, of course, the publication of the Cumulative Index to Volumes 1 through 20. All of the indexing has been completed by the members of the journal staff on all numbers thus far published. Since only two more issues remain to complete Volume 20, the contents of the Index will be ready for printing by the end of the year.

The chief difficulty involved in the publication of the index stems from the usual source—lack of revenue. A detailed statement concerning this problem will be found elsewhere in this report.

A second project which the journal has given consideration to is the reprinting of out-of-print issues of the journal, of which there are a considerable number, particularly in the early volumes. Thus far printing costs have been prohibitive, and it seems unlikely that any early action can be taken on this matter.

A third proposal which has been considered involves the binding of complete volumes of the journal. No satisfactory arrangement has been devised, however, whereby journal readers can receive a bound volume through journal channels cheaper than they can have such service done themselves individually. The additional mailing matter charges which would be involved in having the journals sent to the bindery through our office would nullify the slight saving which would be effected by having a central binding facility.

The Journal and the Bar

During the past year the student editorial board of the journal has sought to make the journal fulfill to the fullest possible extent the purpose which it was designed to serve, namely, service to the members of the Mississippi State Bar. We have endeavored to make the contents of each issue conform to a standard which would make them interesting and helpful to the vast majority of the lawyers of the

state. We have attempted to publish material which would prove beneficial to the average lawyer in the practice of his profession. We have tried to discuss matters of current interest and in a variety of fields. We have sought to include articles which would stimulate thought and provoke comment. In short, we have striven to make the *Mississippi Law Journal* a publication of which the Mississippi State Bar may well be proud and for which it can consider its money well spent.

It is submitted that the law journal serves at least three very worthwhile purposes: (1) it provides a means of expression and information for the members of the bar on subjects of particular interest to Mississippi lawyers; (2) it provides an invaluable training ground in legal research and expression for law students in the Ole Miss Law School; and (3) it provides both the bar and the law school with a source for spreading their influence into other states and into a number of foreign countries.

In conclusion the student editorial board of the *Mississippi Law Journal* express their appreciation to the members of the Mississippi State Bar, and in particular to the commissioners, the members of the Law Journal Committee, the president of the bar, the Honorable Phil Stone, the secretary, Mrs. Laura T. Reid, and the faculty advisor, Professor William N. Ethridge, Jr., without whose cooperation, assistance, and support the law journal could not exist.

Respectfully submitted,

William F. Winter
Editor

Dale McKibben
Note Editor

Arthur B. Custy
Robert J. Hobby
Case Editors

Horace Watkins
Book Review and Index Editor

EXHIBIT "A"

TO THE LAW JOURNAL REPORT

THE LAW JOURNAL INDEX

As has been pointed out elsewhere in this report, the Cumulative Index for Volumes 1 through 20 of the *Mississippi Law Journal* will be ready for publication this year. The members of the law journal staff have done all of the work of preparing the material for the Index, which will consist of the following different sections: Title Index to Leading Articles; Author Index to Leading Articles; Title Index to Notes; Title Index to Recent Decisions; Book Reviews; Mississippi Statutes; Table of Cases; Topic Index; Work of the Mississippi Supreme Court; and State Bar Convention Proceedings. It will be of great practical value to the members of the bar, because it will provide an easily available and efficient key to the many articles on Mississippi, and other law, in the journal.

The volume will consist of upwards of 300 pages, or more than twice the size of the ordinary issue of the journal. The publisher's estimate for turning out 2000 copies with regular paper binding is approximately \$3,000. A cloth or buckram binding would increase the cost about \$.75 per copy.

Since returns from the advertisements for reservations for copies have netted only 50 replies, it is imperative that a more certain source of funds for the publication of the Index be sought. The following proposals have been suggested as solutions for the publication problem.

The University Law School could underwrite the publication of the Index to the extent of \$3,000. Under such a plan the volumes would be printed and sold to members of the bar and any other purchasers at the previously announced rate of \$3.00 per copy, with all proceeds from such sales to be used in reimbursing the Law School. Under this system the number of volumes printed would of necessity be limited to the estimated sales demand.

A second recommendation is that the Mississippi State Bar directly finance the publication of the Index. This would mean a direct appropriation of approximately \$3,000, or in the alternative the underwriting of that amount, contingent on the sales of the Index to buyers. It is thought that any remaining amount necessary to publish the Index could be made up through advertising. If the state bar association should make a direct appropriation of \$3,000 for this purpose, then, of course, each member of the bar in good standing would receive a copy of the Index without additional cost. Such a plan also would insure that every member of the bar would be provided with an Index. Under the underwriting plan each member would still purchase his individual copy, with the bar association making up any deficit between the proceeds from all sales and the cost of publication.

A third proposal is that the state bar association make a direct appropriation of \$1,000 to defray a part of the expense of publishing the Index, and that leave be given to devote a major part of the funds which normally would go into the October issue of the law journal to the publication of the Index. That would result, of course, in a curtailed report of the proceedings of the bar convention, but it is believed that a greater purpose would be served by thus enabling the Index to be printed. It is believed that the law journal will be able to contribute \$500 towards the project, and it is estimated that the remaining amount can be procured through advertising and sales to libraries and other interested individuals and organizations. Under this plan each member of the bar would receive a copy of the Index without additional charge.

These proposals are submitted as apparently the most satisfactory means of providing the revenue required to undertake the task of printing the Index. It is felt that a decision should be made at this bar convention as to what action will be taken towards the completion of this work. The members of the staff of the law journal have spent a great amount of time in preparing the material which will go into this Index. There is a considerable need for a cumulative index to all of the issues of the law journal. It is hoped, therefore, that the members of the Mississippi State Bar will see fit to adopt at this, the 1949 Convention, a definite plan for financing the publication of the Index, in order that it may be completed and distributed before the next meeting of the bar.

William F. Winter
Editor

EXHIBIT "B"

TO THE LAW JOURNAL REPORT

FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL, 1948-1949

Receipts

Balance in bank July 1, 1948.....	\$ 265.25
Appropriation, Bar Association.....	3,250.00
Law School Assessment.....	640.00
Law School Assessment (Estimated, June 1949).....	150.00
Sale of Subscriptions.....	284.60
Sales of Back Issues.....	127.65
Sale of Advertising Space.....	629.00
Sale of Advertising Space (Vol. XX, No. 2 <i>due</i>).....	130.00
Sale of Advertising Space (Vol. XX, No. 3, Estimated).....	150.00
Miscellaneous Receipts.....	89.64
TOTAL RECEIPTS.....	\$5,716.14

Disbursements

Printing and Distribution of Journals

Vol. XIX, No. 4.....	\$1,232.75
Vol. XX, No. 1.....	978.04
Vol. XX, No. 2.....	1,195.08
Vol. XX, No. 3 (Estimated).....	1,500.00
TOTAL COST OF PRINTING.....	\$4,905.87
Exchange and Banking Expense.....	7.60
Postage, and Box Rent.....	64.74
One Page in College Yearbook.....	50.00
Stationary and Office Supplies.....	24.09
Miscellaneous Office Expense.....	232.65
Miscellaneous.....	83.85
Estimated Cash on Hand June 30, 1949.....	347.34
TOTAL DISBURSEMENTS.....	\$5,716.14

EXHIBIT "C"

TO THE LAW JOURNAL REPORT

PROPOSED BUDGET FOR MISSISSIPPI LAW JOURNAL FOR 1949-1950

Receipts

Appropriation, Bar Association.....	\$3,250.00
Law School Assessment.....	600.00
Sale of Back Issues.....	120.00
Sale of Subscriptions.....	250.00
Sale of Advertising.....	600.00
Estimated Balance Brought Forward.....	347.34
TOTAL RECEIPTS.....	\$5,167.34

Disbursements

Printing and Distribution of the Journal :

Vol. XX, No. 4.....	\$1,150.00
Vol. XXI, No. 1.....	1,150.00
Vol. XXI, No. 2.....	1,150.00
Vol. XXI, No. 3.....	1,150.00

TOTAL ESTIMATED COSTS OF JOURNALS.....	\$4,600.00
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Exchange and Banking Expense.....	15.00
Postage, Express, and Box Rent.....	100.00
One Page in College Yearbook.....	50.00
Stationery and Supplies.....	100.00
Miscellaneous Office Expense.....	150.00
Estimated Balance at End of Year.....	152.34

TOTAL DISBURSEMENTS.....	\$5,167.34
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REPORT OF THE STUDY COMMITTEE

As there has been no meeting of the legislature since the report of this committee for the year 1947-1948 and there were a number of suggested amendments of the statutes of Mississippi approved by the Mississippi State Bar at its last annual meeting, the matters thus approved have been carried forward in the files of the committee and will be presented to the committee appointed for the succeeding year for proper handling before the legislature.

In addition to the matters thus carried forward the committee studied further the suggestions referred to it by the preceding committee and one recommendation referred to the committee by the Mississippi State Bar at its last annual meeting. It also wrote to all the members of the Mississippi State Bar listing twenty-one matters under consideration and requesting additional suggestions from the bar. An excellent response was received from members of the bar commenting upon the suggestions, and reference is made hereafter to the result of the submission in connection with each item thus presented for consideration.

There were twenty-five additional suggestions contained in the responses from the members of the bar, all of which have been submitted by the committee with the exception of two or three that were received after the last meeting of the committee and have been placed in the file for consideration by the committee appointed for the succeeding year.

Of the twenty-one matters submitted by the committee without recommendation for the consideration of the bar, after consideration of the responses received, the committee has approved and is recommending fourteen. Additional matters submitted to the committee are also being recommended as set forth below. A number of the matters were considered meritorious but because of the volume of submissions were not considered as being appropriate for recommendation to the legislature. Other matters were of a controversial nature and were disapproved by a majority of the committee, and others were considered to fall without the scope of this committee as set up by this statute and the Mississippi State Bar.

Because of the number of matters recommended this report is not burdened by a complete copy of the act to be proposed to the legislature, but as to all recommenda-

tions approved by the Mississippi State Bar, the members of the present committee will be glad to cooperate with the succeeding Study Committee of the Mississippi State Bar and to prepare particular acts to be recommended to the legislature for adoption. The committee recommends that all of the items below be approved by the Mississippi State Bar and submitted to the next regular session of the Mississippi Legislature with the items approved at the last annual meeting of the bar (all references to code sections are to the Code of 1942), to-wit:

Item 1. Section 753 to be amended so as to reduce the time for appeal to the Supreme Court from six months to ninety (90) days and to eliminate to savings to persons under disabilities of a like time to appeal after the removal thereof. The committee considers that such saving is unnecessary and is detrimental to the interest of litigants generally, and particularly with reference to suits involving land titles. There is no such savings in Section 1640 of the code concerning notice to the court reporter. The responses were 38 to 3 in favor of this proposal.

Item 2. Amend Section 1228 so as to clearly provide that in actions to confirm titles to real estate or to cancel cloud upon real estate the same may be heard and determined in vacation without consent of the parties, provided that such hearing is not had until thirty days after the due date of the answer. The responses were 30 to 5 for the proposal.

Item 3. Amend Section 3680 to reduce the period of redemption in tax sales for special improvements from three years to two years, so as to maintain uniformity with the redemption period of other sales for taxes. The response was 32 to 4 for the proposal.

Item 4. Amend Section 1523 so as to permit the circuit judge to transfer a cause to the chancery court on motion and a similar amendment to clearly confer right upon the chancellor to transfer causes to the circuit court in vacation. The response was 34 to 6 for the proposal.

Item 5. Amend Section 468 so as to permit grandparents to inherit per capita with uncles and aunts and to clearly define the method of computing relationship according to the civil law. The response was 25 to 8 for the proposal.

Item 6. Amend Section 568 so as to include in those claims required to be probated against the estate of a decedent claims for personal service, attention and support, and so as to require that all claims for damages, whether arising ex contractu or ex delicto, shall be registered with the chancery clerk within the six months period. The response was 30 to 2 for the proposal.

Item 7. Provide by special statute that when any matter is lawfully set by the chancellor in vacation for confirmation or decree, the chancellor shall have the power to enter a decree on any day within thirty (30) days thereafter, provided no contest has been filed in the meanwhile. The response was 30 to 4 for the proposal.

Item 8. Completely revise and clarify House Bill No. 5 of the regular session of 1948, being Chapter 394 of the Laws of 1948, which attempts to provide a method of committal of persons of unsound mind to a state institution. The response was 27 to 2 for the proposal.

Item 9. Revise and rewrite the statutes pertaining to receivership so as to provide a complete and satisfactory statutory basis of the administration of receivership. The response was 18 to 3 for the proposal. Mr. Harold Cox of Jackson has been requested to prepare this act.

Item 10. Enact a statute setting up a method for judicial review of decisions of administrative tribunals upon a uniform basis to remove the lack of uniformity in the various bases and methods of appeal not provided by the separate statutes. Mr. Garner W. Green, Sr., of Jackson, has been requested to prepare this act. The response was 28 to 3 for the proposal.

Item 11. Enact a statute dealing with all phases of descent and distribution of property upon the murder of another person by one who would otherwise be an heir or devisee of the decedent. See model statute prepared by Prof. John Wade, formerly of the University of Mississippi, in 49 *Harvard Law Review* 715. The response was 15 to 9 for the proposal.

Item 12. Enact a statute clarifying the laws of Mississippi concerning divorce as compared to those concerning the annulment of marriage. See 12 *Mississippi Law Journal* for a discussion of this matter by Mr. Dan H. Shell, of Jackson, who has been requested to prepare such statute. The response was 25 to 3 for the proposal.

Item 13. Amend Section 9821 so as to reduce the period of back assessment for ad valorem taxes to five years from the present period of fifteen years. This is rendered particularly desirable because of the requirement based upon the present statute which is made by governmental agencies, insurance companies and oil companies of a showing in abstracts of the payment of ad valorem taxes for fifteen years and the difficulty of examining the original tax receipts and tax rolls for such period. The response was 30 to 4 for the proposal.

Item 14. Increase the salaries of chancellors and circuit judges to \$7500.00 per year. The response was 31 to 5 for the proposal.

Item 15. Amend Section 1264 concerning removal of disabilities of minors by adding at the end thereof the following:

The jurisdiction thus exercised shall be that of a court of general equity jurisdiction, and all presumptions in favor of that adjudged shall be accorded at all times.

This item and those following were suggested in response to the letter of the committee and hence no comments have been received from the bar.

Item 16. Repeal Section 5334 subordinating mortgages to certain expenses of a corporation. This statute is of no practical value and sometimes is a deterrent to satisfactory corporate financing.

Item 17. Amend Section 838 setting forth the rule as to remoteness and against perpetuities so as to make it applicable to personal property as well as land by adding the words "and personal property" after the word "land" therein.

Item 18. Amend the statutes concerning corporations so as to extend the period of life of existing and active corporations from the present statutory term of fifty years to a period of ninety-nine years, with the provision that the continued doing of business by the corporation will amount to an acceptance of the extension. There are a number of corporations now doing business in Mississippi, the corporate life of which has expired or is about to expire, and there will be many more in the next few years. In a great many instances the corporate officers may not realize that the corporate existence has ceased, and this will be a salutary and desirable statute.

Item 19. Amend Section 1712 so as to provide that interrogatories may be filed to obtain the testimony of a party to the suit applicable to all parties rather than solely to non-residents, as is provided by the present statute.

Item 20. Amend Section 1296 so as to allow any defendant to bring in new parties by the cross bill, in the discretion of the court. It is felt that this would be very desirable where administered under the supervision of the court so as to prevent a misuse of such right.

Item 21. Amend Section 1249 so that process may be returnable to a regular rules day even though court is then in session with the same effect as if such day fell during vacation, except that action of the court shall be taken through the chancellor rather than through the clerk.

Item 22. Amend Section 1630 of the Code of 1942 by providing that in any case where the death penalty is imposed, that notice to the stenographer to transcribe his notes shall not be necessary, but that the stenographer shall immediately transcribe the file, and the record shall immediately be sent to the supreme court after it is checked by the attorneys within the time now allowed. All cases where the death penalty is imposed should be reviewed by the supreme court, but such cases should be made preference cases on the docket in the supreme court. An attorney should be appointed to represent the defendant in the supreme court, and a fee allowed him.

Item 23. The committee recommends that a better system should be adopted of placing jurors' names in the jury box. It suggests that a Jury Commission, composed of three men for each county, be appointed each year by the circuit judge; that the circuit judge be required to fix the date of meeting and meet with the commission; that on or before the 15th day of February of each year the circuit clerk be required to deliver to the chairman of the commission a list of the qualified electors. Where a person is over sixty years of age, or has a legal exemption known to the circuit clerk, such notation should be made by the name of the juror. The members of the Jury Commission should be paid a per diem compensation that will make the position attractive to men of real ability who know the citizens of the county.

There were a number of excellent suggestions received which are being passed to the Study Committee appointed to serve for the succeeding year for further consideration.

We wish to extend our sincere thanks to the many members of the bar who made suggestions and gave the committee the benefit of their opinion upon the suggestions submitted. We urge that the Study Committee appointed for the succeeding year should be granted full authority to appear before the legislature, in cooperation with the regular legislative committee of the Mississippi State Bar, to present whatever proposals may be approved by the bar, because of the familiarity of the Study Committee with the details involved.

Respectfully submitted,

Judge L. A. Smith, Chairman
J. C. Satterfield, Vice Chairman
Robert G. Nichols, Jr., Secretary
Judge John M. Kuykendall, Sr.
O. B. Triplett, Jr.
Eugene Thompson
Judge Lester Clark
W. Arlington Jones
William L. Sharp

PROCEEDINGS OF THE THIRTEENTH ANNUAL MEETING OF THE

JUNIOR BAR SECTION

Held at Biloxi, Mississippi on the 2nd of June, 1949

The meeting was called to order by Mr. George F. Woodliff, Chairman of the Junior Bar Section. The invocation was delivered by Mr. Chester Curtis, of Clarksdale. The address of welcome was made by Mr. G. B. Cousins, Mayor of the City of Biloxi. Chairman Woodliff responded on behalf of the Junior Bar Section.

A motion was made, by Mr. Cage Brewer, to send a message of regret to Vice-Chairman Huey Howerton, Jr., who was unable to attend because of illness. The motion was unanimously carried.

Chairman Woodliff then called for reports. Mr. John Kuykendall, of Jackson, delivered the report of the Law Institute Committee, on behalf of Mr. Dan Shell, chairman of the committee, who was unable to attend.

REPORT OF THE LAW INSTITUTE COMMITTEE

At the last annual meeting of the Junior Bar Section this organization went on record to cooperate with the Jackson Junior Bar Association to the extent of underwriting the assistance of the membership of the Junior Bar Section in the promotion of the third annual Law Institute.

As you know, the annual Law Institute is a project of the junior bar of Jackson whereby effort is made in the field of continuing legal education to bring to the bar of the state outstanding authorities to speak on timely and frequently controversial subjects of interest to the bar.

In making plans for the third institute, an effort was made to ascertain those subjects of greatest interest to the lawyers of Mississippi by circularizing a questionnaire requesting information as to those subjects the bar would prefer to hear discussed. The response was gratifying, and we used these results in making up our general program covering the broad general subjects of workmen's compensation, oil and gas conservation and trial techniques.

The third annual Law Institute was held in Jackson on November 18, and 19, 1948, and from an attendance viewpoint was the most successful institute held to date. It was estimated that some 500 were present at the workmen's compensation section which included papers on *Workmen's Compensation—Its Background and Theory*, by Dr. Wex Maloue, professor of law of Louisiana State University; *Workmen's Compensation—From the Standpoint of the Insurer*, by Leslie P. Henry, General Counsel of American Mutual Liability Insurance Company, and *The Mississippi Workmen's Compensation Act and the Administration Thereof*, by Walter Dell Davis, Chairman of the Mississippi Workmen's Compensation Commission. A number of business men and insurance representatives also attended this section.

A large crowd was in attendance at the second section which was devoted to oil and gas law and which included a paper on *The New Mississippi Oil and Gas Conservation Law*, by Irwin W. Coleman, head of Mississippi law department of Gulf Refining Company. The annual banquet was likewise well attended, and we were honored by an address by Frank E. Spain, prominent attorney of the Birmingham, Alabama bar.

The fourth session of the institute had as its general theme, Trial Techniques. Lowell W. Taylor, of the Memphis, Tennessee bar presented a paper on the *Technique of Direct Examination* and James A. Simpson, of the Birmingham, Alabama bar presented a paper on the *Technique of Cross-Examination*.

It is with a feeling of relief that we report that the third Law Institute was a financial success.

The members of the Jackson Junior Bar Association wish to express their appreciation for the splendid cooperation rendered it by the members of the Junior Bar Section of the Mississippi State Bar Association in furtherance of this project. We are pleased to announce that the fourth annual Law Institute will be held this year on December 2 and 3 and that this institute will be co-sponsored by the Jackson Junior Bar Association and the School of Law at the University. John Kuykendall of Jackson is Chairman of the fourth annual Law Institute.

Respectfully submitted,

Dan H. Shell, Chairman
Third Annual Law Institute.

The report was adopted.

Mr. J. Robertshaw, of Greenville, moved that the Junior Bar Section again support the Jackson Law Institute for the coming year. The motion was seconded by Mr. Cage Brewer, and carried by vote of the members.

Mr. Billy Quinn, of Vicksburg, Chairman of the Committee on Public Information, delivered the report of that committee.

REPORT OF THE COMMITTEE ON PUBLIC INFORMATION

In October of 1948, it was my honor to serve as state director of the same program of the Junior Bar Section of the American Bar Association; and our president, in November of last year, asked that I serve in the same capacity for our state Junior Bar Section. This was done in order that the work of the American bar and the state bar might be coordinated.

The American Bar Association sponsored a meeting of state directors of the Fifth Circuit in Gulfport on the 17th of December which I attended. The primary purpose of this meeting was to educate us and to outline a program which we might bring home to our respective states. At this meeting there was much concern as to the standing of the legal profession as a whole in the eyes of the general public. Attention was called to the fact that nearly every profession or business of any magnitude spends a great deal of its efforts toward bettering its public relations. It was noted

that the medical profession had, by virtue of extensive programs sponsored by pharmaceutical houses and their own associations, presented their story to the public in a very favorable light. That by radio programs such as "The Doctors Talk It Over," newspaper articles and the like, the medical profession had rendered a distinct public service to the nation and incidentally, to their own betterment. That the dentists with slogans carried in national magazines such as "See Your Dentist Once or Twice a Year" have not only protected the health of the public, but likewise have improved their own economic positions. Doctors have tried to educate us as to symptoms of cancer, tuberculosis, and other diseases. They have helped the general health of the public and likewise made the public health conscious. This meeting in Gulfport further stressed the point that lawyers, neither individually nor as a group, in the past have made any real progress toward getting their story over to the public.

We all know of cases where parties because of lack of knowledge or information have died without making wills, who executed deeds in their lifetime prepared by themselves which were wholly inoperative, who have purchased property without adequate legal advice, who have gone into business without proper leases and the like, and as a result of their lack of information have come into our offices when it was too late.

It is the purpose of the Public Information Committee to inform the public of basic principles of law and certain fundamental problems which arise, not with the idea of attempting to answer any specific question of law that one may have, but only of acquainting one with the problems which might arise.

Secondary to this, it is the purpose of your committee to acquaint the public with the work of the lawyer. I am sure that all of us realize that there are too many who do not comprehend our part in everyday business, who do not realize the phase of office work which contributes and is necessary to the orderly running and management of government and business. Your public information program was designed to meet some of the problems that I have mentioned. After my meeting on the coast in December, or about the same time in December, I met with representatives of the Hinds County Bar Association in order that the work of the Hinds County bar and the work of the state and American bar could be coordinated. The early part of this year the writer called upon and received the cooperation of the following for our program of the State of Mississippi:

Bruce Aultman, of Hattiesburg; David C. Welch, of Laurel; Thomas R. Ethridge, of Oxford; Roy B. Campbell, Jr., of Greenville; J. Willmott Thomson, Jr., of Starkville; Hite McLain, of Greenwood and Julian P. Alexander, Jr., of Erskine Wells, Charles Kilgore and Hap Owens, of Jackson.

It was the purpose of appointing these men as local chairmen of the state committee to place in their hands certain information which they could place before their local bar for use over the air, or in newspaper articles. Needless to say, the work of your committee has been spent primarily in obtaining material for radio scripts for each local chairman. I have received and I have made copies, which I shall pass out to you after this report, of one of a series of talks prepared by the California bar. I am handing you this only to show what type of program your committee con-

templates having on the air in the State of Mississippi before the year is over, and what we recommend to our successors.

We have now also in our possession what is known as the Wisconsin series, which is thirty or more scripts prepared by the Dane County Bar Association of the State of Wisconsin. The writer will attempt to furnish each local chairman with sufficient copies of these programs to meet their individual needs as the occasion arises.

The Hinds County Bar Association has made great strides in presenting the public information program and a great deal of credit is due Hap Owens, Charles Kilgore, Dan Shell, Erskine Wells and, of course our president, George Woodliff, for the progress that they have made in Jackson and Hinds County. I have copies of certain newspaper information which is to be run in Jackson newspapers. The fund for these notices in the newspapers has already been appropriated by the Jackson Junior Bar Association. Also, the Jackson Junior Bar Association is attempting to write their own radio scripts based on actual cases, the first script prepared is based on *McDonald v. Robinson*, 38 So. (2d) 189. The Hinds County group plans on presenting radio programs this fall.

The Warren County Bar Association has endorsed in principle the aims and purposes of the Public Information Committee and a sub-committee of the Warren County Bar Association has decided to go on the air with a series of twelve programs made up of scripts of six each from the California and the Wisconsin series. I might add that our local radio stations are glad to furnish this time free to the bar association as a public service. This action of the sub-committee of the Warren County Bar Association is subject to the confirmation by the Warren County bar as a whole at their July meeting. It is the purpose of your committee to furnish to the local chairman a complete program which has been tried and tested in one locality. This we hope to do before the year is over.

In signing off, gentlemen, let me earnestly solicit your support when this program is submitted to your local bar association for their approval. We lawyers have been subject to too much unwarranted public ridicule and condemnation. We believe an informed public will appreciate and respect our part in the community. We believe an informed public will seek the advice of counsel where the uninformed would not.

On behalf of our committee, I pledge our support and assistance to our successors, knowing that they will carry on where we leave off.

On motion of Mr. J. A. White, of McComb, seconded by Mr. Gross the report was adopted.

Mr. James A. Alexander, Jr., of Jackson, Junior Bar Section Chairman of the Committee on Admissions to the Bar, delivered the report of that committee.

This report is printed in the appendix.

Mr. John W. Whitten, Jr., of Sumner, moved that the report be adopted. After discussion, the motion was seconded by Mr. Randall Jones, of Pass Christian and carried by vote of the members.

Mr. Arlington Jones, of Hattiesburg, on behalf of the Executive Committee on Organization Proposals, then presented the proposed by-laws of the Junior Bar Section.

BY-LAWS OF THE JUNIOR BAR SECTION
OF THE MISSISSIPPI STATE
BAR ASSOCIATION

ARTICLE I: PURPOSE

Section 1. The purposes of the Junior Bar Section of the Mississippi State Bar Association are those set out in the resolution of the Mississippi State Bar Association of September 4, 1936, creating the Junior Bar Section, which resolution is copied in Article III of these By-Laws.

Section 2. These By-Laws are enacted in order to establish permanent regulations for the government of the action of the Junior Bar Section of the Mississippi State Bar Association and in order to regulate the rights and duties of its members, officers, committees and committee members.

ARTICLE II: AMENDMENTS

These By-Laws may be amended or repealed by a vote of two-thirds of the members present and voting at a regular meeting of the membership of the Junior Bar Section. These By-Laws may be amended or repealed so long as such action does not conflict with the resolutions of the Mississippi State Bar Association, which are incorporated herein as Article III.

ARTICLE III: RESOLUTIONS OF THE MISSISSIPPI STATE
BAR ASSOCIATION ESTABLISHING THE JUNIOR
BAR SECTION OF THE MISSISSIPPI
STATE BAR ASSOCIATION:

On September 4, 1936, the Mississippi State Bar Association created and established the Junior Bar Section of the Mississippi State Bar Association, and said resolutions are hereby adopted and re-written herein and into these By-Laws and made a part hereof, as follows:

"Be it resolved by the Mississippi State Bar in regular convention assembled at Greenville, Mississippi, on this the 4th day of September, 1936:

"That, in order to furnish a forum for the younger lawyer, encourage and foster discussion, the interchange of ideas, and constructive action for the preservation and advancement of the ethics, prestige, and integrity of the bar among the younger lawyers and to establish a special means whereby the younger lawyers may be induced to interest themselves to a greater extent in the activities of the Mississippi State Bar and more materially assist in the accomplishment of its purposes and functions, there is hereby created a standing committee of the Mississippi State Bar to be known as the Junior Bar Section of the Mississippi State Bar.

"Section 1. The governing body of this Section shall be an Executive Committee composed of eleven members. Two of these members shall be the Chairman and Vice-Chairman who shall be elected by the Section as a

whole. The remaining nine members shall be elected from the three Supreme Court districts, with three members from each district, these members to be elected in the same manner as the Bar Commissioners.

"Section 2. All members of the Mississippi State Bar who are under 36 years of age shall be members of the Section but this shall not be construed as to remove or separate them in any way from their connection with the State Bar.

"Section 3. Members of the Executive Committee shall serve for a term of one year or until their successors shall have been chosen, the first term to commence from this date.

"Section 4. The Executive Committee may, in any manner it shall direct, provide for the filling of all vacancies for unexpired terms.

"Section 5. The Secretary-Treasurer of the Mississippi State Bar shall serve as Secretary-Treasurer of the Section and shall do and perform all things for said Section just as for the State Bar and shall attend such sessions of the Executive Committee unless instructed to the contrary by the Chairman.

"Section 6. The Executive Committee shall hold, at least, one meeting each year at a time to be fixed by the Chairman and to be held at the State Capitol not later than 45 days prior to the next annual convention of the State Bar. The Chairman, and in his absence or disability, the Vice-Chairman, or any five members of the Committee, may, on not less than 10 days written notice to all members, call special meetings of the Committee to be held at such time and place as may be directed in the notice.

"Section 7. The Executive Committee shall have the authority and power:

"a. To inquire into, report on, and make recommendations concerning the same and do any and all matters and things it may deem pertinent to and helpful in the carrying out of the purposes of this Section.

"b. To do and perform all acts and things necessary and proper to carry out the purposes for which it is created.

"c. To exercise such additional powers and functions as may from time to time be delegated to it by the State Bar and by the Commissioners.

"d. To appoint sub-committees for the purposes of carrying out its functions and duties from among the membership of this Section and to delegate to such sub-committees all such power and authority as the Executive Committee shall think proper.

"Section 8. The expenses of the Section shall be borne by the State Bar to the same extent and in the same manner as are the expenses of the Commissioners.

"Section 9. The Executive Committee shall report in writing annually, beginning with the 1937 annual convention, to the Mississippi State Bar covering all of the activities of the Executive Committee for the preceding year and shall embody therein such recommendations as it shall see fit. The Committee shall also report and make recommendations as to the Commissioners as, and when the same may be requested."

ARTICLE IV: EXTENT OF AUTHORITY OF THE JUNIOR BAR SECTION

Section 1. The Junior Bar Section may do any and all things which are expressed or implied by Article III, in order to carry out the objectives of the said Junior Bar Section.

Section 2. In no event shall the Junior Bar Section exceed the authority vested in it by the resolutions as contained in Article III except upon the authorization, amendment or extension of the aforesaid resolutions by the Mississippi State Bar Association in regular convention assembled.

ARTICLE V: COMMITTEES

Section 1. There shall be the following standing committees:

1. Public Relations and Information
2. Unauthorized Practice of Law
3. Code Study
4. Legislative
5. Convention

Section 2. Standing committees may be added or deleted by the Executive Committee upon the recommendation of the Junior Bar Chairman.

Section 3. All standing committees shall have a membership of at least five members. Each standing committee shall have a Chairman and Secretary and minutes shall be kept of its meetings and proceedings.

Section 4. In order to assure a continuity of information and experience among the personnel of the committees, it shall be the duty of the Chairman of the Junior Bar Section to reappoint to the standing committees for the succeeding term at least two members who have served on the committee during the immediately preceding term.

Section 5. Every standing committee chairman shall file with the Secretary of the Mississippi State Bar Association a list of all the members of the committee and a copy of the proceedings of all committee meetings. Any other committee may be required to comply with this Section when requested to do so by the Chairman.

Section 6. Every standing committee chairman shall make a written report to the Junior Bar Section at its annual convention, and said written report shall be entered on the minutes of the Junior Bar Section and a copy of said written report shall be filed with the Secretary of the Mississippi State Bar Association. Any other committee chairman may be required to comply with this Section when directed to do so by the Chairman.

Section 7. All appointments to the standing committees shall be for a term of one year or until the annual convention next after the appointment to such committee. All other committee appointments shall be for a term designated by the Chairman.

Section 8. In addition to the standing committees, the Chairman may create and appoint such additional special committees which he may deem necessary and as authorized by Article III.

Section 9. It shall be the duty of the Chairman to make all committee appointments to the standing committees within 60 days after the annual convention of the Mississippi State Bar Association. All other committee appointments shall be made by the Chairman whenever needed pursuant to Sections 2 and 8 of this article.

ARTICLE VI: ELECTIONS AND OFFICERS

Section 1. The officers of the Junior Bar Section shall consist of those enumerated in Article III, Section 1. However, the Chairman shall have the authority to appoint a Secretary at the annual convention for the purpose of assisting the Secretary of the Mississippi State Bar Association in keeping the minutes of the meeting of the Junior Bar Section. In the event the Chairman appoints such Secretary, the duties of said Secretary shall terminate and cease upon the adjournment of the annual convention.

Section 2. The officers shall be elected for a term of one year or until their successors have been elected. The officers shall be elected between the hours of 9 o'clock and 10 o'clock P.M. on the first day of the annual convention of the Mississippi State Bar Association.

Section 3. The Chairman of the Junior Bar Section shall not succeed himself in office.

Section 4. At its annual convention the Junior Bar Section shall elect and nominate a member of the Junior Bar Section to be recommended to the Mississippi State Bar Association for the office of Second Vice-President. The outgoing Chairman of the Junior Bar Section shall place (or have placed) the name of such person recommended in nomination before the Mississippi State Bar Association for the office of Second Vice-President.

Section 5. The officers elected must receive a majority of the votes cast of those members present and voting.

Section 6. All elections of officers shall be by secret ballot.

ARTICLE VII: MISCELLANEOUS PROVISIONS

Section 1. All meetings and proceedings of the Junior Bar Section shall be conducted according to *Roberts' Rules of Order*.

Section 2. On all questions coming before the Junior Bar Section, when duly convened, which are properly to be determined by vote of the Junior Bar Section and which are not otherwise provided for in these By-Laws, a majority of those members present and voting shall prevail.

Section 3. No member shall be entitled to vote or to enjoy any of the other privileges or benefits of the Junior Bar Section unless he has paid all dues required or assessed by the Mississippi State Bar Association.

Mr. Melville Collins, of Hattiesburg, moved that the by-laws be accepted. The motion was seconded by Mr. J. O. Hollis, of Carthage, and carried by vote of the members.

Mr. James Robertshaw, of Greenville, delivered the report of the Executive Committee on the Redistricting of Federal Courts in Mississippi.

EXECUTIVE COMMITTEE REPORT ON THE REDISTRICTING OF FEDERAL COURTS IN MISSISSIPPI*

1. Section 7a of the resolution adopted by the Mississippi State Bar Association on 4 September 1935, creating the Junior Bar Section, authorizes its Executive Committee "to inquire into, report on, and make recommendations concerning same and do any and all matters and things it may deem pertinent to and helpful in carrying out the purposes of this Section." It has been the policy of your committee, under this authority, to seek out the 'squeaks' in our legal and judicial machinery, to determine their causes, and to report findings and recommendations, first to the Junior Bar Section, then to the bar as a whole. This is such a case.

2. We feel that the rapid growth of our state over the past 20 years, together with our increasing participation in interstate commerce and its involvement with Federal laws and regulations, makes the adequacy of our Federal court facilities a matter of personal concern to each lawyer. It is a matter of grave import to our clients. Sensing an inequitable distribution of available facilities as compared with the present distribution of our Federal court business, we have made a somewhat detailed investigation of the matter, and present here our findings and recommendations.

3. Findings:

a. Considering the volume of cases commenced in Mississippi Federal courts each year, against the number of assigned judges, we find that the average workload per judge is substantially higher than the national average. Even assuming an even distribution of the burden of work between our Northern and Southern Districts, the disparity between our state and the national average burden of cases per judge is enough to induce suspicion that individual cases cannot be given the attention our clients deserve, and to which they are entitled.

b. Examining distribution of the load between the Northern and Southern Districts, we find the load in the former fairly equitable, but the load in the latter to be entirely unreasonable. Assuming Judge Mize of the Southern District took no vacation, allowed no time for travel, no time for hearings on motion, no time for bankruptcy hearings, condemnation proceedings, forfeitures, habeas corpus, allowed no time for the usual administrative delays, if he were able to bring the same proportion of cases to trial as are brought throughout the nation, and if he were able to devote the same amount of time to each trial as is taken in other states, he would have to work 64 weeks per calendar year.

c. There are important areas of our state which have enjoyed tremendous economic and industrial growth in the past 20 years, which are not adequately or conveniently serviced by existing court-sitting towns.

*Ed. Note: Due to the high cost of printing graphs and charts, it has been found necessary to eliminate exhibits 2, 4, 5, 6, 8, 9, 10 and 11 in entirety; and the first half of exhibits 3 and 7. All of these exhibits are excellently done and bear out the conclusions stated in the report. Anyone desiring further information as to the contents of the exhibits should contact Mr. J. Robertshaw.

4. Recommendations :

a. That the Junior Bar Section, by resolution adopted at this conference, recommend the Mississippi State Bar Association place itself of record as seeking the appointment of a third Federal judge for the state, and as seeking the creation of a third Federal court district, and that the bar appoint a committee to follow through with the necessary action to accomplish the objective.

b. That in the recommended re-distribution of Federal court facilities, Natchez and Greenville be added as court-sitting towns.

Discussion

5. In attacking this problem, we have sought to locate, geographically, the need for Federal courts, and to compare the need with the existing location of our facilities; we have sought to measure the existing workload on what we have, and compare that load with the loads of neighboring states and with national loads. We have further examined the internal distribution as it exists, and as it may be expected under our recommended reorganization.

6. If it were possible, thru examination of our court dockets and the cases filed, to determine the geographical origin of each case, our work would be simplified. This was not practicable because of the time and space factors involved, because of the expense, and because we found, from a preliminary test that we would have a great deal of difficulty in digging out that information, if all papers were on file in the various clerks' offices. We therefore have gone to the sources of litigation, and attempted to identify the factors creating litigation, and to locate them geographically.

7. Exhibit 1 sets forth an analysis of 66,251 cases commenced in 84 district courts throughout the United States during the fiscal year ended last June. Reasoning into causes underlying the classifications in this exhibit, we concluded that Federal cases arise from friction involving these basic economic factors: population, wealth (both fixed and liquid), manufacturing activity, taxes, local and interstate sales, and similar factors. These may be measured by accepted practices, located with a reasonable degree of geographical certainty, and used to estimate potential litigation.

8. At our request, the Business Research Station of Mississippi State College, under the direction of Dean R. C. Weems, has prepared for us a yardstick based upon these factors, weighted and combined into an *Inter-County Index of Economic Activity*: population, ad valorem assessments, telephones in service, farm income, taxable sales, payrolls covered by unemployment compensation, and bank deposits. This index, in its final form, was reduced to show each county's economic activity as an estimated per cent of state activity.

9. We have tested, statistically, the relationship between individual components of this index, and the incidence of Federal litigation, by taking data and litigation over the United States as a whole. We find a definite, but not high degree of correlation in each instance, which was what we might expect from commonsense and experience. We know that in times of prosperity, the volume of litigation is usually less than in times of depression, and thus realize that there is a cyclical time-lag reducing the

amount of statistical correlation to be expected. On the other hand, we know that with a \$3000.00 jurisdictional floor, there is not likely to be federal litigation where there is little or no economic activity; in other words, we maintain that the relationship between economic activity and litigation is a good deal like that between intercourse and birth—the former does not inevitably produce the latter, but the latter never occurs without the former.

10. Exhibit 2, comparing the incidence of federal litigation between the Northern and Southern Districts with relative economic activity, shows us that the correlation between the index and the incidence of litigation is close enough for the purposes of this study.

11. Our last Federal district was created 1 March 1929, and our second Federal judge added at that time[S.B. 1965, 45 Stat. 1422 (1929)]. Using our established relationship between litigation and economic activity, we obtained data compiled at our request by the Agricultural and Industrial Development Section of the Mississippi Power & Light Company, under the direction of Mr. Olin C. Taylor, showing something of the fundamental changes that have occurred in the warp and woof of our state economy since 1929. Exhibit 3 picks out a few items of data we felt particularly significant. The 23% increase in our white and concurrent 12% decrease in our colored population 'mix' reflects the mechanization of our agriculture and the consequent reduction in unskilled farm labor; it reflects the increase in manufacturing with demands for more highly skilled labor; it reflects the growth of our native white population and the influx of personnel to cadre the larger industries recently established in the state. The tremendous shift reflected by a 16% decrease in farm population with a 51% increase in non-farm population emphasizes the fundamental nature of these changes. We can see plainly that the aggressive action of our state leaders to balance agriculture with industry is bearing fruit. The increases in our sources of income buttresses these conclusions.

12. Comparing Mississippi with her adjacent states, Exhibit 4a selects certain data chosen as a measure of economic activity, and roughly combined into a second index number by the simple expedient of adding them together with different 'weight' as indicated in the 'Unit' column. These totals, or 'indices' suggest that our economic activity has doubled in the past twenty years; the number of Federal judges has remained unchanged. During the same period, judges in Arkansas have increased from 2 to 3; Louisiana, 2 to 4; Alabama, 3 to 4; Tennessee, 3 to 4; Mississippi, no change.

13. Exhibit 4 portrays the same information graphically. We feel it shows a reasonable basis for adding a third Federal judgeship, but that the clinching arguments come from careful consideration of the volume of business each judge in the state is called on to handle.

14. In the last analysis, the measure of work that may be borne by a district is the volume of work one man—the judge—can efficiently handle, considering always the fundamental fact that our clients pay the bill, and are entitled to their money's worth. Exhibit 5 compares the workload over the past five years, in Mississippi, in her adjacent states, and in the United States as a whole. Even assuming that the Mississippi burden fell equally upon its two judges, which it does not, the average for the state is still

head-and-shoulders above the national average workload upon and individual judge, and above the average of the adjacent states. Note that the addition of a third judge would bring Mississippi in line with other states, but that there would still be plenty of work to occupy that new judge.

15. Exhibit 6 highlights the latent untruth in looking at the problem in terms of an average per judge; it plainly shows that Judge Mize is called on to carry well better than double the national load. However, it means nothing to look at a load and call it too big; for a real understanding of the problem, this load must be interpreted in concrete terms, and measured against the physical capacity of an individual judge.

16. Exhibit 7 provides a tool for converting 'cases per judge' into terms of trial-days, which is something we can all understand. The table below shows the average number of civil and criminal cases commenced per year in this state during the past five years; applying the conversion factors from Exhibit 7, we are able to determine the proportion of cases filed that should come to trial. Multiplying the latter figure by the average number of days per trial, we obtain the data in the lower half of the figures below:

Cases filed (5-year average):

	<i>Civil</i>	<i>Crim</i>	<i>Bkcy</i>	<i>Total</i>
TOTALS	502.6	728.4	27.4	1258.4
Northern District.....	108.2	267.2	8.0	383.4
Southern District.....	394.4	461.2	19.4	875.0

Computed Trial-Days per judge:

TOTALS	210.04	243.82	**	453.86
Northern District.....	45.21	89.45		134.66
Southern District.....	164.83	154.37		319.20

17. Since the computed trial-days above represent the time that would have been spent, had each judge conformed to the national treatment of individual cases, it would seem they represent a reasonable standard; that is, they show what should have taken place; Exhibit 8 shows what actually did take place. As might be expected, the Southern District, with more than double the load of the Northern District, actually tried fewer cases. Noting from previous analyses that the load in the Northern District conforms to the national average load, it is believed highly significant that the same analysis, Exhibit 8, shows that the individual cases filed received treatment in accord with the national average.

18. Redistribution of our existing load to place the burden evenly upon each district is not the answer. A judge working a five-day week, 48 weeks per year, has 240 working days available. If the load shown in the preceding paragraph were evenly divided, each judge would devote 227 days to the civil and criminal cases analyzed, leaving only 13 days per year to dispose of motions, bankruptcies, condemnation suits, habeas corpus hearings, and forfeitures, to say nothing of travel-time and the administrative delays occasioned by absence of parties, lawyers or witnesses. This is cutting the margin too close.

19. We believe that our clients, who bear their full share of taxes supporting these courts, are entitled to facilities for mature, unhurried consideration of the important issues presented in Federal litigation.

20. Exhibits 9 and 10 set forth the existing geographical distribution and recommended geographical distribution of Federal court facilities. Arriving at these recommendations is principally a matter of juggling counties into groups, being guided by these considerations:

a. We felt that no important economic or populous area should be more than fifty miles from a court-sitting town.

b. We felt that changes in existing relationships should be held to the absolute minimum, consistent with reason and the needs of areas not now efficiently served.

c. Since admiralty practice amounts to 6.8% of all cases filed, and since it seems reasonable that such cases will only arise in this state where there is a substantial volume of ocean-going or inland waterway traffic, we gave this particular consideration in recommending the addition of Natchez and Greenville.

d. In drawing division boundaries, and recommending court-sitting towns, we attempted to stick to centers of population, road nets, and rail facilities as well as insuring that each court division included enough economic activity to justify the maintenance of a court. Exhibit 11 shows the results of this effort.

21. After mature deliberation, we have recommended the creation of an additional district, rather than just the addition of a third judgeship, for the basic reason that the same arguments which lead us to believe the judge was overloaded apply with equal force to the supporting administrative officers: the marshalls, clerks, and United States attorneys.

Respectfully submitted,

J. Robertshaw, Member
Executive Committee
Junior Bar Section

NATURE OF CASES COMMENCED

84 United States District Courts

Fiscal year ending 30 June 1948

Nature of suit	Number	Per cent
TOTALS	66251	100.0
CIVIL cases, sub-total.....	36459	55.1
<i>Private cases:</i>		
Federal question involved.....	6906	10.4
Diversity of citizenship.....	10779	16.3
Admiralty	3198	4.8
<i>United States Cases:</i>		
Enforcement of federal statutes (OPA, fair labor, anti-trust, etc.).....	4379	6.6
Forfeitures (Food & Drug, liquor, marine, export control, etc.).....	1964	3.0

Penalties ('28-hour law,' safety appliances, hours of service, etc.).....	657	1.0
Contract actions.....	3037	4.6
Land condemnation suits.....	542	.8
Other real property actions.....	345	.5
Tort actions.....	1646	2.5
Tax suits.....	557	.8
Admiralty	1353	2.0
Injunctions against federal agencies.....	261	.4
Habeas corpus proceedings.....	697	1.2
Other actions.....	138	.2
CRIMINAL Cases, sub-total.....	29792	44.9
National Motor Vehicle act.....	3189	4.8
Fraud and other thefts.....	8181	12.4
Narcotics	1481	2.2
Liquor violations.....	3404	5.1
Immigration	7840	11.8
War offenses (Impersonations, espionage, etc.).....	888	1.3
Miscellaneous federal offenses (Anti-trust, food & drug, juvenile delinquency, etc.).....	2820	4.3
Other Federal offenses.....	1634	2.5
Local offenses (Murder, burglary, etc.).....	355	.5

SOURCE: Annual Report, Director, Administrative Office, United States Courts (1948)

EXHIBIT 1

MISSISSIPPI:

Income Data
1929 vs. 1947

Sources of Income	1929	1947	% Change
TOTAL, ALL SOURCES.....	562	1390	+147
Agriculture	212	417	+ 97
Manufacturing	74	224	+203
Trade and services.....	120	355	+196
Other enterprises.....	109	207	+ 90
Government payments.....	47	187	+298

(NOTE: Data expressed in millions of dollars)

SOURCE: *Manufacturer's Record*, January 1949.

Includes payments to individuals + undivided profits.

EXHIBIT 3

EXHIBIT 4a

SELECTED FACTORS OF BUSINESS ACTIVITY
1929 vs. Present

Item	Unit	Date/Data		THEN				NOW					
		Then	now	Miss	Ala	Ark	La	Tenn	Miss	Ala	Ark	La	Tenn
Population	1000	1930	1948	2010	2646	1854	2102	2617	2121	2848	1925	2576	3149
Assessed valuations	\$1000	1933	1948	556	973	435	1424	1496	725	1312	626	1774	1843
Value, mfg. produce	\$1000000	1933	1948	73	253	81	312	37	915	2658	907	2573	3070
U. S. Internal Revenue col.	\$100000	1930	1947	21	72	31	122	165	983	2443	1090	3251	3388
Bank deposits	\$1000000	1933	1946	102	131	80	190	217	753	1226	786	1547	1884
Telephones in service	1000	1932	1946	62	101	87	137	193	142	230	137	327	411
TOTALS				2824	4176	2568	4283	4275	5639	10717	5417	12048	13745

Total then
Total now

18576

47620

PER CENT INCREASE

99 156 113 181 191

SOURCES:

U. S. Statistical Abstract
Blue Book of Southern Progress
U. S. Census, 1930
Department of Commerce Census Estimate, 1948

(NOTE: The above data furnished by Agricultural & Industrial Development Section, Mississippi Power & Light Company.)

LENGTH OF CRIMINAL AND CIVIL TRIALS

Length of Trial	Civil Trials		Criminal Trials	
	Cases	Per cent	Cases	Per cent
TOTALS	4586	100.0	2142	100.0
1 day or less.....	2661	58.0	1547	72.2
2 days.....	1002	21.9	315	14.7
3 days.....	428	9.3	125	5.7
4 to 5 days.....	340	7.4	91	4.2
6 to 9 days.....	104	2.3	42	2.0
10 to 19 days.....	42	.9	20	1.2
20 to 29 days.....	4	.1	1	—
30 days or over.....	5	.1	1	—

WEIGHTED AVERAGE

DAYS PER TRIAL

2.10 days

1.79 days

SOURCE: Annual Report, Director, Administrative Office, United States Courts (1948).

NOTE: Does not include land condemnation, habeas corpus, or forfeiture cases. The word, 'Trial' includes only contested proceedings before court or jury, other than motions, where evidence is presented and a final judgment sought.

EXHIBIT 7

Mr. L. A. Wyatt, of Jackson, moved that the report be adopted and the motion was seconded by Judge Thomas Minniece of Meridian. Mr. Chester Curtis moved to amend the report by deleting paragraph 4b. The motion was seconded by Mr. B. D. Statham, and carried by vote of the members. The amended motion to adopt was then carried by vote of the members.

Whereupon, on motion, the meeting was recessed until 8:00 P.M.

EVENING SESSION, JUNE 2d, 1948

The meeting was called to order by Chiarman Woodliff. Mr. Bob Nichols, Jr., of Jackson, presented the report of the Study Committee.

REPORT OF THE STUDY COMMITTEE

Since the outcome of this meeting will be reported extensively in the report of the senior bar committee, this report will be confined in the main to the circular letter sent out to the members of the bar by the senior bar Study Committee in the early Spring of this year. As regards this letter, the Junior Bar committee wishes to go on record as follows:

Item 1: Your committee favors an amendment to Section 753 of the code so as to cut down the six months period in which an appeal may be taken to three months. We further feel that the "savings clause" as to minors and the people of unsound minds should be eliminated entirely.

Item 2: Your committee does not favor an amendment to the general venue statute, Section 1433, so as to allow a tort action to be brought in the county where the tort occurred.

Item 3: Your committee favors amending Section 1228 so as to give the power to the chancellor to try and hear causes in vacation with the consent of the parties involved, provided a period of 30 days elapses between the due date of the answer and the hearing.

Item 4: Your committee favors amending Section 3680 so as to reduce the period of redemption in tax sales for special improvements from three to two years so as to make this period the same as other periods of redemption.

Item 5: Your committee does not favor amending Section 415 so as to provide that the guardian of a minor would have the authority to execute oil and gas leases which would be in force after the minor becomes of legal age.

Item 6: Your committee favors amending Section 1523 so as to give a circuit judge in vacation the power, upon motion duly made, to transfer a case to chancery court. It is the opinion of this committee that our judiciary would be greatly aided if the powers of the circuit judges were broadened as concerns procedural matters.

Item 7: Your committee does not favor giving married minors the legal ability to contract. We feel that our laws regarding the disability of minority are sufficient and should undergo no changes.

Item 8: Your committee heartily favors adopting a definite statute defining how to compute relationship under civil law. Your committee also favors allowing grandparents to inherit per capita with uncles and aunts.

Item 9: Your committee favors requiring all claims for personal services and attention and support to be probated as other claims.

Item 10: Your committee does not favor amending Section 561 so as to provide that the homestead of a decedent may be sold on the widow's petition where necessary to raise the amount of the widow's allowance fixed by the court where there are no minor children left by the decedent. In many instances the market value of the homestead will be less than its value to the widow if used for the remainder of her life as she has the right to do.

Item 11: Your committee favors providing by special statute that where a cause is lawfully set by the chancellor in vacation and no contest is filed, after the lapsing of a period of 30 days, the chancellor be allowed to render a decree on any day thereafter.

Item 12: Your committee does not favor an amendment to Section 1 of House Bill 530 of the regular 1948 session to provide that no issue of fact should be submitted to a jury for determination as to a plea in bar except upon trial of the case on the merits. We are of the opinion that such an amendment would tend to slow down the trial of cases.

Item 13: Your committee definitely favors additional clarification of House Bill 5 of the regular 1948 session of the legislature as to committal of persons of unsound mind to a mental institution. We are of the opinion that this statute should be completely rewritten.

Item 14: Your committee favors a complete revision of the state statutes concerning receiverships.

Item 15: Your committee favors a supplemental act applicable in the alternative to all cases providing for judicial review of decisions of administrative bodies such as the State Tax Commission, Public Service Commission, Board of Supervisors, etc. While such an act may burden our present court system somewhat, we feel that this additional check on such administrative bodies will balance off any additional burden.

Item 16: Your committee favors the adoption of a statute dealing with all phases of decent and distribution of property upon the murder of another person by one who would otherwise be an heir or devisee of the decedent.

Item 17: Your committee favors the enactment of a uniform statute concerning the matter of restitution in connection with illegal contracts.

Item 18: Your committee is most favorable toward any legislation that would clarify the divorce and annulment laws of Mississippi.

Item 19: Your committee favors an amendment to Section 9821 so as to reduce the period of back assessment of ad valorem taxes from 15 to 5 years. Since tax receipts have a way of getting lost in some counties, the value of such an amendment can readily be seen by any abstractor.

Item 20: Your committee favors increasing the salaries of the chancellors and circuit judges to between \$7500 and \$8000 per year.

Your committee wishes to make three recommendations which did not appear in the aforementioned letter :

Item A: The enactment of a statute requiring the registration of motor vehicles, the owners of which are domiciled in this state. We recommend that this statute be patterned after those now existing in the states of Illinois, Missouri and Texas. We have investigated the operation of similar statutes in other states and find that they are enforced in a workable manner with a minimum of cost and effort.

Item B: The enactment of a statute calling for the recording of conditional sales contracts. With the present volume business being conducted under the retention of title contract, it is fast becoming essential that these contracts be officially recorded so as to protect all parties concerned.

Item C: The revision of our statutes concerning the taking of depositions. We feel that our present statutes could be streamlined so as to eliminate some of the unnecessary and outdated rules applicable to the taking of depositions.

If the Junior Bar Section sees fit to accept the above three recommendations, your committee pledges itself to present to the new Study Committee, for their consideration, three model statutes on said recommendations.

Respectfully submitted,

Robert G. Nichols, Jr., Chairman
Joseph E. Wroten
Dan Shell
Lawrence W. Rabb, Jr.
James L. Spencer

Mr. Merle Palmer, of Jackson County, moved that the report be adopted. The motion was seconded by Mr. R. D. Gage, Jr., and carried by vote of the members.

Chairman Woodliff then called on Mr. B. D. Statham, of Magnolia, who introduced the principal speaker of the evening, Honorable John Bell Williams, Congressman from the Seventh Congressional District of Mississippi. After responding to the introduction, Mr. Williams delivered the following address.

THE CHOICE OF THIS GENERATION

John Bell Williams

After almost two centuries of successful democratic government under her Constitution, the United States finds herself today facing a political revolution. It is true that the revolution which we face is bloodless and psychological; yet it is a revolution in the strictest sense of the word.

There is an order of political thinking which represents what might be called a new philosophy. It calls for a powerful central state to do our planning, run our affairs, and dole out our benefits; the latter by collecting and spending our money. This system, which has swept most of the world since it was put into effect by the Leninists in Russia, is pictured as something new and progressive in the way of governmental concepts.

Actually, though, it is as old and reactionary as man himself. Through the ages, the struggle of civilization has been to free the individual from the tyranny of overpowerful and all-consuming governments, and to guarantee to him a maximum degree of personal and individual dignity.

Thus far, the Constitution of the United States has exemplified the nearest approach to civilization's goal of individual freedom.

This Constitution, to which we look for personal and political succor, was conceived in liberalism. Since its ratification by the sovereign states, it has proved to be a sanctuary for genuine liberals the world over, and has functioned as the world's foremost guardian of human liberties.

Heretofore, the people of the United States have subscribed to the theory that government is not properly concerned with private lives, but rather with general public welfare and all that pertains to it.

During the period following the great depression of the early thirties, we witnessed a slight diversion from that theory through the workings of the so-called "New Deal," because the "New Deal" was born in a moment of national crisis. It was taken for granted by the American people, however, that such inconsistency was necessary to preserve our constitutional freedoms, and would be abandoned as soon as conditions returned to a state of normalcy.

Underlying the "New Deal" was a sound economic plan for bettering the general welfare of all the people, designed specifically for the purpose of eliminating wholesale starvation in a land of plenty, and eliminating unemployment in a land of unlimited opportunity; there was a well coordinated and closely knit constructive program with stated aims to be accomplished.

It is contended by those who would bring about the new order that the program presently presented is but a continuation of the "New Deal," and that the current program would bring about the social Utopia of which Roosevelt dreamed.

Their program for the social and economic uplifting of our people is embodied in what, today, is called the "Fair Deal," consisting of a series of unrelated and individual pieces of social legislation, designed to gratify certain groups, without a coordinated plan for bettering the general welfare of all the people. In that respect, the current administration program fails by comparison with the policies and measures of the "New Deal."

I can not, and do not, question the sincerity of the President and his advisors in the presentation of their program as a political cure-all for the personal ills and individual tribulations of our people. But I do reserve the right to disagree as to the ultimate and lasting effects on our people and on the nation

The current program indicates a marked trend away from the old Jeffersonian axiom that "the least government is the best government," and makes elaborate plans for government controls over our entire economy and social affairs. It provides for governmental entry into the housing field, the medical field, the fields of insurance, employee-employer relationships, and, through its civil rights program, into the social affairs of our people.

Thomas Jefferson once said:

I place economy among the first and most important virtues, and public debt as the greatest of dangers. To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our choice between economy and liberty, or profusion and servitude. If we can prevent the government from wasting the labors of our people under the pretense of caring for them, they will be happy. The same prudence which in private life would forbid our paying our money for unexplained projects, forbids it in the disposition of public money.

In 1929, the cost of operating the entire government was little more than six billion dollars, and in the most flourishing days of the "New Deal," it did not exceed 12 billions.

In peacetime, 1949, we are spending more on foreign gratuities alone than it cost to run the entire government only 20 years ago.

The cost of our government today, with its mushrooming bureaus and newly adopted services, is in excess of 45 billion dollars and mind you, these figures do not anticipate the enactment of the proposed legislative program, which would add not less than 10 billions to that figure.

Already the government is exacting from its citizens a fourth of their gross income; the taxgatherers are having a field day.

Before advocating an additional expenditure of from 10 to 12 billions annually, I think we might well stop and consider our current fiscal predicament.

At a time when we as a nation are obligated in the sum of 250 billions of dollars, we find ourselves next year faced with an additional deficit of from three to six billions dollars; and this, exclusive of proposed but unenacted legislation calling for more expenditures.

In the face of those figures, it is difficult for me to reconcile the enactment of additional obligatory measures. It has been proposed that a compulsory program of medical insurance be enacted, which, with plans for additional social security coverage and liberalized benefits, would cost not billions, but trillions over a period of the next 50 to 75 years. This program, while perhaps meritorious in certain aspects, nevertheless, fails to follow the democratic pattern of recognizing the dignity of the individual. I say this because the program is compulsory and not voluntary, as I believe all such social welfare programs should be. What about our farmers, who do not come under the program, or the small merchants, the self-employed? You will pay.

A program of public housing has been presented. The cost of this program over the next few years is to be in the vicinity of 16 billions of dollars.

There is no doubt but that there is much merit in this measure, as it provides housing for many who presently cannot afford it, and unquestionably will raise the standard of living for many thousands of our people. But again, this measure is one to benefit a certain segment of our people at the expense of the whole. It is admitted to be a big city bill, and the rural citizen will realize little or nothing, he'll just pay and pay and pay.

In 1947, the Labor Relations Act, commonly called the "Taft-Hartley Bill," was enacted and has been attacked by the leaders of organized labor as a "slave labor" bill; and those advocating the new order are seeking its repeal, despite the fact that organized labor has prospered under it and has enjoyed a larger increase in membership under it than at any like period of time in history. Catering to labor leaders, self-styled "liberals," have promised to repeal this measure, absolving these leaders of any responsibility for their acts.

As a supporter of this measure in the Eightieth Congress, I never contended that it was without imperfections, or that revisions should not be made. It was my hope when the recent labor legislation was before us, as it is my hope now, that a fair and just measure may come from this Congress which will protect the rights of both labor and management, and at the same time protect and promote the interest of the general public.

But I am firmly convinced that there can be no industrial peace in this country until such time as both management and labor are willing to make the concessions necessary to protect the interests of the public.

The administration advocates a farm program which guarantees parities to the producer, and lower prices to the consumer, with the difference being paid by the taxpayer. Before receiving this parity benefit, however, the farmer must submit to regulations and limitations placed upon him through a government bureau. The cost of this program has not been estimated, but it is conceded that it will run into billions. In return for subsidy, the farmer must sacrifice freedom of operation.

I shall not deal with the civil rights recommendations, except to remind you that their enactment would destroy the social, political, and eco-

monic institutions of our section of the country as we now know and enjoy them.

These are but a few, and typical, of the program which is planned for our people.

The spirit of American politics has always been pragmatic; our most effective leaders have responded to necessities and opportunities without worrying about whether they were acting consistently, according to some enveloping theory. On the other hand, these measures, taken as a whole, do not amount to a program with ends capable of definition, and results that can be calculated.

Individually, many of the proposals are sound and necessary, but, viewed in the over-all perspective of their effects on our people, our economy, and our form of government, they present the most serious challenge to individual freedoms and liberty since the days when Patrick Henry uttered his immortal cry of "give me liberty or give me death."

With the enactment of each of these new government functions, we must sacrifice a certain amount of personal freedom. That has been true throughout the history of expanding governments.

The program of the administration is presented as a liberal program, but because of its lack of coordination, it actually presents a challenge to American liberals through its vagueness. True liberalism must keep its pleasant receptiveness, its assumption that a little inconsistency is to the good and necessary. But at the same time, unless its hopes are to dwindle in short-lived advances, it must put a new stress on coherent programs and on carefully worked out measures.

All in all, the program is not a little inconsistent—it smacks of paternalism; of Federal regulations; of governmental domination of private lives. The services bought thereunder will be paid for in the currency of freedom.

In my few feeble remarks here, today, I am not trying to appear as an alarmist. Perhaps those who advocate the new order are the progressives. Perhaps I am wrong in my evaluation of their program.

If I am wrong, then so was General Eisenhower, who in his inaugural speech at Columbia said:

The concentration of too much power in centralized government need not be the result of violent revolution or great upheaval. A paternalistic government can gradually destroy, by suffocation in the immediate advantage of subsidy, the will of a people to maintain a high degree of individual responsibility. And the abdication of individual responsibility is inevitably followed by further concentration of power in the state. Government ownership or control of property is not to be decried principally because of the historic inefficiency of governmental management of productive enterprises; its real threat rests in the fact that, if carried to the logical extreme, the final concentration of ownership in the hands of the government gives to it, in all practical effects, absolute power over our lives.

Franklin Roosevelt reminded us in 1936 that: "This generation of Americans has a rendezvous with destiny."

This generation of Americans kept that date with destiny at Pearl Harbor, Anzio, Midway, Guam, Normandy, Iwo Jima, Hill 609, at Guadalcanal and Bizerte, and 20,000 feet above Hiroshima, on bloodsoaked fields of battle which encircled the globe. This generation of Americans kept that date and emerged victorious in the fight for democratic freedom.

Now we are faced with another rendezvous. One which, bloodless and more subtle than physical conflict, nevertheless will determine the course of liberty and freedom for generations yet unborn.

The emoluments of American citizenship were not bought cheaply. They are our heritage because our forefathers were willing to make personal sacrifices in order that future generations might be free.

While freedom is a perennial challenge to every succeeding generation, it presents itself to us today in the form of a psychological choice between temporary material gratuities with their attendant enslavement to bureaucratic regulation, or retention of individual dignities, freedom and initiative by sacrificing such temporary luxuries to the permanent principles of Constitutional democracy.

Our generation of Americans must make that choice: shall it be democracy or socialism, shall it be freedom or short-lived government subsidies, shall the government be the servant of the people, or shall it be their master? Where shall we go from here?

The chair then requested nominations for Chairman of the Junior Bar Section. Mr. W. Arlington Jones, of Hattiesburg, was nominated by Mr. Sydney A. Smith, Jr., of Jackson. Mr. James A. White, of McComb, moved that Mr. Jones be elected by acclamation, which motion was seconded by Mr. Carroll Gartin, of Laurel. The motion was carried.

Mr. Jones then expressed his appreciation to the members.

The chair then requested nominations for Vice-Chairman of the Junior Bar Section. Mr. Cage Brewer, of Clarksdale, was nominated by Mr. Chester Curtis, of Clarksdale. Mr. C. D. Fair, of Louisville, moved that the nominations be closed and Mr. Brewer be elected by acclamation, which motion was seconded by Miss Evelyn Gandy, of Hattiesburg. The motion was carried.

At the request of the chairman, the members retired to district meetings for the election of members of the Executive Committee. The following were elected.

Northern District: Lomax Lamb, Jr., Marks.
Seth Wheatt, Greenwood.
Fred Witty, Greenwood.

Southern District: J. P. Patterson, Monticello.
Jacob Guice, Biloxi.
B. D. Statham, Magnolia.

Central District: Robert Nichols, Jackson.
John McLaurin, Brandon.
L. B. Porter, Union.

The chair then requested nominations for the purpose of determining the member of the Junior Bar Section whose name should be submitted to the Mississippi State Bar as a candidate for the office of second vice-president. Mr. Merle Palmer, of Pascagoula, was nominated by Mr. Carroll Gartin, of Laurel. Mr. L. B. Porter, of Union, moved that the nominations be closed and that Mr. Palmer be elected by acclamation. The motion was carried.

The meeting was then adjourned.

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 Brown, Ernest L.
 Macon
 Brown, Henry N., Jr.
 Jackson
 Brown, J. H.
 Oxford
 Brown, James T.
 Jackson
 Brown, Joseph E.
 Natchez

- Brown, L. W.
 Starkville
 Brownstein, Fred X.
 Greenville
 Brumfield, James Berry
 Brookhaven
 Brunini, Alexander J.
 Vicksburg
 Brunini, Edward
 Vicksburg
 Brunini, J. B.
 Vicksburg
 Bryan, Harry M.
 Jackson
 Bryant, Clifton E.
 Jackson
 Bryant, Rae
 Gulfport
 Buchanan, Frank J.
 Meridian
 Buchanan, Harry
 Jackson
 Buchanan, James R.
 Laurel
 Buford, James Dudley
 Oxford
 Bullock, Kenneth E.
 New Orleans, La.
 Bullock, Mary Emma
 Brandon
 Bullock, Walter Earl
 Columbia
 Buntin, R. R.
 Gulfport
 Burgess, Ramon L.
 Tupelo
 Burgin, D. A.
 Columbus
 Burgin, Wm. G., Jr.
 Columbus
 Burkett, Amy
 Ocean Springs
 Burkett, John G.
 Jackson
 Burns, James A.
 Meridian
 Burns, Robert, Jr.
 Jackson
 Busby, A. G., Jr.
 Waynesboro
 Busby, Charles W.
 Jackson
 Bush, Fred Marshall, Jr.
 University
 Bush, M. M.
 Hattiesburg
 Butler, George H., Jr.
 Jackson
 Butler, J. H.
 Stonewall
 Butler, James W.
 Meridian
 Butler, John Sharp
 Quitman
 Butts, Dr. A. B.
 Arlington, Va.
- Butts, Lampkin H.
 Gulfport
 Byars, W. G.
 Jackson
 Byars, Wilton V.
 Bruce
 Byrnes, C. F.
 Natchez
 Byrd, A. M.
 Chicago, Ill.
 Byrd, Joe G.
 Meridian
 Byrd, J. L.
 Jackson
 Byrne, George A.
 Washington, D. C.
 Cabaniss, Lem, Jr.
 Columbia
 Cain, Robert S., Jr.
 Canton
 Cain, Wm. Sterling
 Canton
 Caldwell, Benjamin M.
 Marks
 Caldwell, J. H.
 Charleston
 Caldwell, J. H., Jr.
 Charleston
 Caldwell, Thos. Eugene
 Jackson
 Caldwell, Thomas P.
 Hattiesburg
 Calhoun, Atticus Aubrey
 Louisville, Ky.
 Calhoun, Edwin
 Jackson
 Calhoun, Edwin L.
 Mt. Olive
 Calhoun, Robert L.
 Hattiesburg
 Callender, Bernard
 Columbia
 Callon, B. C.
 Natchez
 Cameron, Ben F.
 Meridian
 Cameron, Chas. B.
 Meridian
 Cameron, Overton W.
 Meridian
 Camp, William H.
 Fulton
 Campbell, Roy D.
 Greenville
 Campbell, Volney H.
 Brookhaven
 Campbell, George H.
 Yazoo City
 Campbell, J. Edwin
 Laurel
 Campbell, T. H.
 Yazoo City
 Campbell, T. H., Jr.
 Yazoo City
 Campbell, Virginia Ruth
 Yazoo City
- Canizaro, Jack P.
 Vicksburg
 Canizaro, P. C., Jr.
 Ft. Worth, Tex.
 Cannada, Robert C.
 Jackson
 Caradine, J. E.
 West Point
 Carlisle, Robert T.
 West Jackson
 Carlisle, Jack B.
 Ackerman
 Carlton, C. Sidney
 Sumner
 Carmichael, Gerald B.
 Utica
 Carney, Frederick T.
 New York, N. Y.
 Carney, K. A.
 Clarksdale
 Carothers, A. M.
 Grenada
 Carr, Dudley R.
 Tupelo
 Carr, J. M.
 Newton
 Carruth, John E.
 Columbus
 Carter, B. F.
 Laurel
 Carter, H. T.
 Columbus
 Case, J. Troy
 Brookhaven
 Casey, O. Lunsford
 Laurel
 Cassedy, J. W.
 Washington, D. C.
 Cassidy, J. J.
 McComb
 Cassedy, Wm. P.
 Brookhaven
 Carty, Buell Roscie
 New Orleans, La.
 Catchings, O. W.
 Woodville
 Catchings, Walter Lee, Jr.
 Cleveland
 Catoe, Earl V., Jr.
 Webb
 Causey, H. F.
 Cleveland
 Cauthen, Nelson R.
 Canton
 Chadwick, Carl A.
 Natchez
 Chambers, Paul
 Jackson
 Chandler, C. J., Jr.
 New Orleans, La.
 Chandler, Joe B., Jr.
 Dallas, Tex.
 Chaney, George
 Vicksburg
 Chapman, J. Kenton
 Washington, D. C.

- Charles, Sarah A.
Washington, D. C.
- Chase, Clarence
Booneville
- Chatham, Gerald W.
Hernando
- Cheney, Reynolds S.
Jackson
- Chill, Bernard W. N.
Jackson
- Childress, W. M.
Jackson
- Chiz, Raynold
Shaw
- Christian, Murray
Houston, Tex.
- Clark, A. B.
Indianola
- Clark, A. B., Jr.
Indianola
- Clark, Charles
Jackson
- Clark, Frank
Waynesboro
- Clark, G. C., Jr.
Jackson
- Clark, J. O.
Iuka
- Clark, Lester
Hattiesburg
- Clark, Thurman L.
Hattiesburg
- Clark, William C.
Hattiesburg
- Clayton, Claude F.
Tupelo
- Clayton, Hugh N.
New Albany
- Clayton, S. P.
Tupelo
- Clayton, W. L.
Meridian
- Clements, E. C.
Rolling Fork
- Clements, W. H.
Rolling Fork
- Cleveland, Arthur T.
Fulton
- Clifford, Charles C.
Morton
- Clifton, Percy L.
Jackson
- Cloniger, Coite E.
Washington, D. C.
- Cochran, Louis E.
San Francisco, Cal.
- Cocke, J. W.
Jackson
- Cody, F. G.
Biloxi
- Cofer, Kermit R.
Water Valley
- Cohen, Marvin A.
Jackson
- Cohn, A. A.
Brookhaven
- Cole, James E.
Monticello
- Coleman, A. Jerry
Vaiden
- Coleman, Edward F.
Purvis
- Coleman, Irwin W.
West Jackson
- Coleman, J. M.
Aberdeen
- Coleman, James P.
Ackerman
- Coleman, Randolph
San Antonio, Tex.
- Coleman, Walter D.
Natchez
- Coleman, William Dewitt
Ackerman
- Collins, Curtis Lee
Carthage
- Collins, Elson K.
Laurel
- Collins, Melville N.
Hattiesburg
- Collins, Robert W.
Yazoo City
- Collum, Mrs. Aline J.
Jackson
- Colmer, Wm. M.
Pascagoula
- Collum, M. E., Jr.
Jackson
- Colson, J. G.
Greenwood
- Comer, Thomas H.
Booneville
- Conger, J. W.
Winona
- Conn, W. D., Sr.
Corinth
- Coody, A. S., Jr.
Jackson
- Cook, Everett E.
Gulfport
- Cook, Virgil Griffith
Avalon
- Cooley, Donald C.
Hazlehurst
- Conner, Claude E.
Columbia
- Cooper, E. B.
Laurel
- Cooper, Forrest G.
Indianola
- Cooper, R. D.
Meridian
- Cooper, Robert F., Jr.
New Orleans, La.
- Corban, L. C.
Biloxi
- Corban, R. L., Jr.
Fayette
- Corley, W. U.
Collins
- Cossar, George P.
Charleston
- Cottrell, David, Jr.
Gulfport
- Covington, A. W.
Quitman
- Covington, J. A., Jr.
Meridian
- Covington, Robert E., Jr.
Brookhaven
- Cowart, C. F.
Meadville
- Cox, Allen
Baldwyn
- Cox, Frank M.
Mobile, Ala.
- Cox, Raymond S.
Washington, D. C.
- Cox, Stanley M.
Detroit, Mich.
- Cox, W. A.
Marks
- Cox, W. H.
Baldwyn
- Cox, Wm. H.
Jackson
- Craggs, C. J.
Cleveland
- Crain, Harold G.
Meridian
- Crain, Mrs. Maxine Brunn
Meridian
- Crawford, Marvin
Jackson
- Craft, S. W.
Raleigh
- Crawley, David E., Jr.
Kosciusko
- Crawley, James T., Jr.
Kosciusko
- Creekmore, H. H.
Jackson
- Creekmore, Rufus
Jackson
- Creekmore, Wade H.
Jackson
- Cresswell, William E.
Durant
- Crisler, Alfred N.
Jackson
- Crisler, Bert
Jackson
- Crisler, Charles W., Jr.
Jackson
- Craig, John A.
Jackson
- Crigler, James Carpenter
St. Joseph, La.
- Crisler, John W.
Clarksdale
- Critz, Frank A.
West Point
- Crocker, Rowell T.
Washington, D. C.
- Crump, C. H.
Cleveland
- Crump, Nannie-Mayes
Washington, D. C.

- Culkin, J. H.
 Vicksburg
 Cunningham, E. Hugh
 Jackson
 Cunningham, F. W.
 Booneville
 Cunningham, J. E.
 Booneville
 Cunningham, James A., Sr.
 Booneville
 Cunningham, J. A., Jr.
 Booneville
 Cunningham, Lawrence P.
 Louisville
 Cunningham, W. R.
 Booneville
 Currie, E. J., Jr.
 Hattiesburg
 Currie, George W.
 Hattiesburg
 Currie, Homer
 Raleigh
 Curtis, Chester H.
 Clarksdale
 Cutrer, R. W.
 Magnolia
 Dabney, F. Y.
 Vicksburg
 Dabney, J. B.
 Vicksburg
 Dabney, L. B.
 Vicksburg
 Dale, James S., Jr.
 Columbia
 Dale, Joseph
 Prentiss
 Dale, R. H.
 Columbia
 Dale, Sebe
 Columbia
 Dale, T. Price
 Hattiesburg
 Dalton, Terry J.
 New York, N. Y.
 Daniel, G. Odie
 Starkville
 Daniel, Joe H.
 Jackson
 Darden, R. A.
 New Orleans, La.
 Darden, Tom Leslie
 New Albany
 Davidson, Harold W.
 Carthage
 Davis, Edwin D.
 Port Gibson
 Davis, Howard Q.
 Indianola
 Davis, Jefferson
 Atlanta, Ga.
 Davis, James L.
 Louisville
 Davis, T. B.
 Columbia
 Davis, Thomas Dick
 Tupelo
 Davis, T. W., Jr.
 Hattiesburg
 Davis, Walter Dell
 Jackson
 Daws, J. H.
 DeKalb
 Day, J. O.
 Atlanta, Ga.
 Day, Lewis H.
 Tampa, Fla.
 Day, R. H.
 Decatur
 Dean, Hermon
 Canton
 Deaton, Joe Sanford
 Plantersville
 Deavours, Burns
 Laurel
 Deavours, Jack
 Laurel
 Dennis, Glender
 Ellisville
 Dent, E. L.
 Collins
 Dent, J. R.
 Gulfport
 Dent, R. L.
 Vicksburg
 Dent, W. W.
 Collins
 Denton, C. L.
 Meridian
 Denton, P. L.
 Marks
 Deterly, H. G.
 Jackson
 Deterly, Mrs. Ruth M.
 Jackson
 Diamond, Harry
 Greenwood
 Dickerson, Ralph S.
 Kenova, W. Va.
 Dickson, Archie L., Jr.
 Gulfport
 Dinsmore, R. R.
 Jackson
 Dixon, T. Vincent
 Senatobia
 Dodd, J. Hubern
 Jackson
 Doggett, Grover
 Laurel
 Dore, Donald E.
 New Orleans, La.
 Dorsey, Newman M.
 Water Valley
 Dossett, M. D.
 Beulah
 Doty, Lemuel H.
 Biloxi
 Dovith, Melvin
 Marianna, Fla.
 Douglas, P. Lanier
 Starkville
 Doxey, Hindman
 Holly Springs
 Doxey, Wall
 Holly Springs
 Drake, Carl F.
 Durant
 Drake, Joseph T., Jr.
 Port Gibson
 Drew, Ernest R.
 Mt. Rainer, Md.
 Dudley, Colbert
 Jackson
 Dulaney, J. W.
 Tunica
 Dunn, A. C.
 Meridian
 Dunn, Edwin A.
 Meridian
 Dunn, J. Thomas
 Meridian
 Dunn, Vardaman S.
 Jackson
 Dye, Bradford
 Charleston
 Dyer, Howard, Jr.
 Greenville
 Dyke, Herbert H.
 Laurel
 Eager, P. H., Jr.
 Jackson
 Easterling, Albert E., Jr.
 Laurel
 Easterling, Lamar F.
 Jackson
 Easterling, Mrs. Mary C.
 Jackson
 Easterling, E. Terrell
 Laurel
 Eaton, James S.
 Gulfport
 Edmonds, Henry
 Jackson
 Edmonds, T. E.
 Vicksburg
 Edwards, A. K.
 Mendenhall
 Edwards, Allan T.
 Jackson
 Edwards, Ernest Ray
 Jackson
 Edwards, J. P.
 Mendenhall
 Edwards, Kenneth F.
 Greenville
 Eicke, Woodward G.
 Washington, D. C.
 Elledge, W. L.
 Fulton
 Elliott, Benton W.
 Ripley
 Engle, C. F.
 Natchez
 Enochs, Dewitt C.
 Jackson
 Estopinal, Wm.
 Gulfport
 Ethridge, Eugene B.
 Jackson, Ala.

- Ethridge, F. K., Jr.
 Jackson
 Ethridge, George H.
 Jackson
 Ethridge, George M., Jr.
 Meridian
 Ethridge, Thomas R.
 Oxford
 Ethridge, W. N.
 Oxford
 Ethridge, W. N., Jr.
 University
 Eudy, J. E.
 Eupora
 Evans, W. J.
 Calhoun City
 Everett, Frank E.
 Indianola
 Everett, Frank E., Jr.
 Vicksburg
 Everett, W. M.
 Hickory
 Everitt, Robert D.
 Ruleville
 Ewing, Jack H.
 Jackson
 Ewing, John B.
 McComb
 Ewing, William R.
 Jackson
 Fair, Charles D.
 Louisville
 Falkner, J. W. T.
 Oxford
 Fankhauser, Carl E.
 New Orleans, La.
 Fant, Herbert M.
 Sardis
 Fant, Lester G., Jr.
 Holly Springs
 Farese, John A.
 Ashland
 Farish, H. P.
 Greenville
 Farmer, Henry K.
 Mendenhall
 Farr, Paul H.
 Prentiss
 Farrell, Herbert D.
 Holly Bluff
 Fatheree, J. D.
 Quitman
 Featherstone, F. M.
 Moorhead
 Featherstone, Lewis R.
 Jackson
 Fedric, Wm. Henry
 Grenada
 Feduccia, Joseph C.
 Cleveland
 Feibelman, Cedric L., Jr.
 Vickeburg
 Felts, Holland O.
 Greenville
 Finch, Harold E.
 Mississippi City
 Finch, J. D.
 Iuka
 Finch, James
 Hattiesburg
 Finch, J. S.
 Booneville
 Finley, J. A.
 Tupelo
 Fishel, E. C.
 Hattiesburg
 Fisher, Mrs. Margaret E.
 Perry Point, Md.
 Fleming, James M., Jr.
 Atlanta, Ga.
 Flowers, Henry G.
 Jackson
 Flowers, J. N.
 Jackson
 Flowers, U. Grey, Jr.
 Vicksburg
 Floyd, Earle N.
 Gulfport
 Floyd, Jason H.
 Gulfport
 Floyd, J. C.
 Meridian
 Floyd, L. R.
 Magee
 Fontaine, J. B.
 Pontotoc
 Fontaine, W. B.
 Jackson
 Foote, Lawrence Y.
 Hattiesburg
 Ford, A. L.
 Washington, D. C.
 Ford, Bobbie B.
 Jackson
 Ford, Evon A.
 Taylorsville
 Ford, E. J., Jr.
 Gulfport
 Ford, J. I.
 Pascagoula
 Ford, Wm. Reynolds
 Kosciusko
 Forman, J. M.
 Indianola
 Forman, L. L.
 Meadville
 Forman, Richard Brent, Jr.
 Natchez
 Fox, J. H.
 University
 Fraiser, John J., Jr.
 Greenwood
 Franklin, J. B.
 Jackson
 Franklin, J. E.
 Jackson
 Franklin, L. C., Jr.
 Jackson
 Franks, Donald
 Booneville
 Frierson, John F.
 Jackson
 Fuller, Samuel W.
 Osceola, Ark.
 Furnell, William W.
 Detroit, Mich.
 Gage, Robert D., III
 Port Gibson
 Galloway, Charles R.
 Gulfport
 Gandy, Miss E. E.
 Hattiesburg
 Gandy, George
 Collins
 Gantt, Cecil E.
 Meridian
 Garcia, Juan Rocafort
 Hatillo, Puerto Rico
 Gardner, Albert S.
 Jackson
 Gardner, Hanun
 Gulfport
 Gardner, Tom M.
 Gulfport
 Gardner, John M.
 Gulfport
 Garner, A. H.
 Joplin, Mo.
 Garner, Boyce Lee
 Hernando
 Garner, Martin
 Tunica
 Garraway, J. T.
 Purvis
 Gartin, Carroll
 Laurel
 Gary, W. D.
 Eupora
 Gaston, Chester D.
 Columbus
 Gautier, H. W.
 Pascagoula
 Gee, John B.
 Rolling Fork
 Geisenberger, W. A.
 Natchez
 Genin, R. L.
 Bay St. Louis
 Gerald, Eugene
 Leland
 Gerald, Martha Wilson
 Jackson
 Gex, Emile J., Jr.
 Bay St. Louis
 Gex, Lucien M.
 Bay St. Louis
 Gex, W. J.
 Bay St. Louis
 Gholson, Daniel P.
 Holly Springs
 Gibbes, C. Denton, Jr.
 Laurel
 Gilbert, V. W.
 Meridian
 Gillespie, H. B., Sr.
 Raymond
 Gillespie, H. B., Jr.
 Jackson

- Gillespie, R. G.
 Meridian
 Gilliam, L. Alex, Jr.
 Greenville
 Gillis, J. K.
 Philadelphia
 Gipson, Champ
 Meridian
 Gipson, J. R.
 Meridian
 Gipson, J. V.
 Meridian
 Glass, D. H.
 Kosciusko
 Glazier, Herman C., Jr.
 Rolling Fork
 Gober, Curtis A.
 Iuka
 Good, V. W.
 Vicksburg
 Goodman, F. C.
 Biloxi
 Gordon, Charles M.
 Jackson
 Gordon, C. T.
 Liberty
 Gordon, Joe D.
 Liberty
 Gordon, John H.
 Belzoni
 Gordon, Walter S.
 Carpenter
 Gordon, Wm. H.
 Cleveland, Ohio
 Gore, Ney M., Jr.
 Marks
 Gore, T. N.
 Marks
 Goss, Roy J.
 Columbia
 Graham, D. M.
 Gulfport
 Graham, Hardy M.
 University City, Tenn.
 Graham, J. H.
 Meridian
 Graham, S. M.
 Meridian
 Grant, Leslie B.
 Biloxi
 Grantham, Gordon
 Jackson
 Graves, Charles L.
 Jackson
 Graves, Ernest W.
 Laurel
 Gray, Reginald A., Jr.
 Hattiesburg
 Greaves, J. M.
 Canton
 Greaves, P. D.
 Gulfport
 Green, A. Wigfall
 University
 Green, B. A.
 Mound Bayou
 Green, E. H.
 Cleveland
 Green, Garner W., Jr.
 Jackson
 Green, Garner W., Sr.
 Jackson
 Greene, John D., Jr.
 Starkville
 Grice, L. E.
 Crystal Springs
 Griffin, J. R.
 Eupora
 Griffin, Mrs. Julia S.
 Greenville
 Griffin, P. J.
 Jackson
 Griffing, Homer B.
 Meadville
 Griffith, Paul S.
 Waynesboro
 Griffith, Thomas J., Jr.
 Ackerman
 Gross, David
 Laurel
 Grubbs, George B.
 Mendenhall
 Grubbs, Julius W.
 Hattiesburg
 Guice, Claude W.
 Jackson
 Guice, Daniel D.
 Biloxi
 Guice, Jacob D.
 Biloxi
 Guice, Stephen L.
 Biloxi
 Guice, W. L.
 Biloxi
 Guider, Ben
 Vicksburg
 Gunn, Wallace R.
 Brookhaven
 Guy, T. A.
 Greenwood
 Guynes, J. F.
 Hazlehurst
 Guyton, J. D.
 Kosciusko
 Guyton, John D., Jr.
 Kosciusko
 Gwin, Lucien C.
 Natchez
 Gwinnup, Harry G.
 Jackson
 Haddock, James H.
 Philadelphia
 Hafter, Jerome S.
 Greenville
 Hagee, Talmadge M.
 McComb
 Hairston, Brown C.
 Crawford
 Hairston, Charles C., Jr.
 Hattiesburg
 Hakes, Doric D.
 Hattiesburg
 Haley, A. M.
 Jackson
 Hall, H. G.
 Brookhaven
 Hall, Wm. G.
 Flora
 Hall, Lee D.
 Columbia
 Hall, Stanton A.
 Hattiesburg
 Hall, Toxey
 Columbia
 Hamilton, George S.
 Jackson
 Hamilton, Lowell D.
 Jackson
 Hamlin, James E.
 West Point
 Hamlin, Wilbur G.
 West Point
 Hammond, Kelly J.
 Columbia
 Hamner, W. M.
 Greenwood
 Handy, George S.
 Natchez
 Hannah, T. C.
 Hattiesburg
 Hannon, Andrew J.
 Raymond
 Haralson, William
 Hattiesburg
 Harmon, F. S.
 New York, N. Y.
 Harmon, John M.
 Union
 Harper, A. Y.
 Jackson
 Harper, Charles E.
 McComb
 Harper, Jack E., Jr.
 Indianola
 Harper, Matthew, Jr.
 Laurel
 Harris, Francis M.
 Water Valley
 Harris, W. R.
 West Jackson
 Hartford, Robert W.
 Jackson
 Hartley, T. A.
 Kansas City, Mo.
 Harty, Emmet
 Greenville
 Harwell, J. Emerson
 Meridian
 Hathorn, C. V.
 Columbia
 Hathorn, F. C., Jr.
 Hattiesburg
 Hathorn, Hoy
 Louisville
 Hauberg, Robert E.
 Jackson
 Hawkins, Armis Eugene
 Houston

- Hawkins, George B.
Canton
 Haydon, Charles R.
Gulfport
 Haynes, M. Paul
Baldwyn
 Heckler, Willie J.
Greenwood
 Hedgepeth, T. H.
Jackson
 Hegwood, A. W.
Jackson
 Heidelberg, Cecil F., Jr.
Jackson
 Heidelberg, H. P.
Pascagoula
 Heidelberg, R. W.
Hattiesburg
 Heidelberg, Rowland W., Jr.
Hattiesburg
 Heiss, J. L., Jr.
Gulfport
 Henderson, Robert H.
Sumner
 Hendrick, Leon F.
Jackson
 Hendricks, Thomas M., Jr.
Meridian
 Hengen, Louis
Biloxi
 Hennington, Lamar
Hattiesburg
 Henley, W. S.
Hazelhurst
 Henry, W. A.
Yazoo City
 Herring, Charles H.
Meadville
 Herring, George B.
Jackson
 Herring, H. Lee
Ruleville
 Hewes, Gaston H.
Gulfport
 Hewes, Wm. G.
Gulfport
 Hewitt, F. D.
McComb
 Hewitt, Wm. H.
Jackson
 Hewitt, W. Wilson
Meadville
 Hezel, Henry M.
Miami, Fla.
 Hilbun, Henry, Jr.
Laurel
 Hill, Robert E.
Tupelo
 Hill, John T.
Pascagoula
 Hill, Wiley C.
Tupelo
 Hillman, J. B.
Philadelphia
 Hillman, T. Horton
Lucedale
 Himelstein, Ben
Moorhead
 Hinerman, Chauncey D.
Moundsville, W. Va.
 Hines, Harry H., Jr.
Kosciusko
 Hines, Mrs. Matelyn F.
Rochelle Park, N. J.
 Higgins, John B.
Gulfport
 Hobbs, H. W.
Brookhaven
 Hobbs, Henry W., Jr.
Brookhaven
 Hobbs, W. E.
Moorhead
 Hoffman, C. L.
Gulfport
 Hoffman, Harry O., Jr.
Hazelhurst
 Holcomb, Pascal D.
Clarksdale
 Holland, Clarence E.
Jackson
 Holland, Ralph L.
Jackson
 Hollis, J. O.
Carthage
 Holloman, Frank C.
Laurel
 Holloman, John H.
Columbus
 Holmes, E. R., Jr.
Jackson
 Holmes, F. C., Jr.
Hernando
 Holmes, G. M.
Aberdeen
 Holmes, Herbert
Senatobia
 Holmes, H. T.
Winona
 Holmes, J. G.
Yazoo City
 Holmes, John S.
Yazoo City
 Hood, Josephine
Canton
 Hooker, Harry A.
Gulfport
 Hopkins, Hugh Sam
Jackson
 Hopkins, Joseph W.
Clarksdale
 Hopper, H. A.
Corinth
 Horan, John
Water Valley
 Horan, Leo
Murphreesboro, Tenn.
 Hornsby, Mrs. Clare S.
Biloxi
 Hornsby, Oliver
Natchez
 Horton, Cowles
Grenada
 Horton, Frank Collins
Grenada
 Horton, Wm. T.
Jackson
 Houston, D. W., Sr.
Aberdeen
 Houston, D. W., Jr.
Aberdeen
 Howard, Perry W.
Washington, D. C.
 Howerton, Huey B., Jr.
Oxford
 Howie, Joseph
Jackson
 Howie, Homer Lee
Jackson
 Huber, H. T.
Canton
 Huff, J. Knox
Forest
 Huff, Thomas M.
Forest
 Huff, William A.
Forest
 Huff, William J.
Memphis, Tenn.
 Huffman, Theodore G.
University
 Hughes, Abner E.
Biloxi
 Hughes, Frank K.
Kossuth
 Hughes, Daniel Clyde
Macon
 Hughes, Philip D.
Stonewall
 Hulen, Mrs. Elizabeth W.
Jackson
 Hunt, F. M.
Hattiesburg
 Hurdle, Sidney L.
Holly Springs
 Hutchison, C. B.
Tupelo
 Hutchison, Edw. G.
Summit
 Hutto, W. M.
Waynesboro
 Hytken, Robert M.
Cleveland
 Idom, Osborn
Forest
 Inman, C. E.
Jackson
 Inman, Cecil E., Jr.
Jackson
 Inzer, Wm. H.
Pontotoc
 Ishee, Carroll B.
Biloxi
 Ivy, Gates
West Point
 Jackson, Chatwin Mabry, Jr.
Lexington
 Jackson, Forest B.
Jackson

- Jackson, Robert E.
 Cleveland
 Jackson, Robert E., Jr.
 Cleveland
 Jackson, Wm. F.
 McComb
 Jacobs, Charles Clark, Jr.
 Cleveland
 Jagers, Boudie A.
 Pontotoc
 Jameson, Jay R., Jr.
 Abilene, Tex.
 Jameson, Josephine M.
 Abilene, Tex.
 Jarratt, Hill
 Batesville
 Jarvis, R. T.
 Booneville
 Jiggitts, Mrs. Lavonia
 Jackson
 Johnson, Alvis C.
 Meridian
 Johnson, C. E.
 Union
 Johnson, D. R.
 Batesville
 Johnson, H. H.
 Lexington
 Johnson, Joseph E.
 Batesville
 Johnson, Paul B., Jr.
 Hattiesburg
 Johnson, Roy E.
 Senatobia
 Johnson, O. W.
 Prentiss
 Johnson, William H.
 Decatur
 Johnston, Albert Sidney, Jr.
 Biloxi
 Johnston, H. Grady
 Hernando
 Johnston, Means
 Greenwood
 Johnston, Oscar
 Scott
 Johnston, Thomas H.
 Corinth
 Jolly, W. H.
 Columbus
 Jones, A. H.
 Woodville
 Jones, Bernard M.
 Pickens
 Jones, Bert H.
 McComb
 Jones, C. Randall, Jr.
 Pass Christian
 Jones, Edward I.
 Bay St. Louis
 Jones, H. F.
 Belzoni
 Jones, James E.
 Jackson
 Jones, J. Telford
 Iuka
 Jones, L. Barrett
 Jackson
 Jones, P. Z.
 Jackson
 Jones, R. L.
 Brookhaven
 Jones, W. Arlington
 Hattiesburg
 Jones, W. D.
 Cleveland
 Jones, Woodrow, C.
 Waynesboro
 Jones, W. Roger
 Hazlehurst
 Joor, J. S.
 Rolling Fork
 Joor, Wm. Walker
 Oxford
 Jordan, Albert W.
 Kenova, W. Va.
 Jordan, R. A.
 Greenwood
 Jordan, Terral A.
 McComb
 Kahlmus, Maurice F.
 Birmingham, Ala.
 Katz, Andrew D.
 Hattiesburg
 Katzenmeyer, C. Leonard
 Vicksburg
 Katzenmeyer, Leonard, Jr.
 Vicksburg
 Keady, William C.
 Greenville
 Keaton, Grayson B.
 Picayune
 Kellner, Ernest
 Greenville
 Kellum, Joseph W.
 Sumner
 Kelly, A. F.
 Hattiesburg
 Kelly, J. W., Jr.
 New Orleans, La.
 Kelly, R. M.
 Vicksburg
 Kemp, Carroll
 Hazlehurst
 Kendall, Henry M.
 Jackson
 Kendall, James T.
 Jackson
 Keyer, James H.
 Natchez
 Keyes, John Knox
 Collins
 Keys, R. Taylor
 Sardis
 Kilgore, Charles D.
 Jackson
 Kimble, Raymond V., Jr.
 Greenville
 Kimbrell, Frank C.
 Jackson
 Kimbrough, O. L.
 Greenwood
 Kimbrough, O. L., Jr.
 Greenwood
 King, Benjamin
 Hazlehurst
 King, Calvin R.
 Durant
 King, S. R.
 Durant
 Kirby, R. H.
 Clarksdale
 Kirk, Lee Gibbs
 Walnut Grove
 Kirschten, Mrs. Elizabeth G.
 Evanston, Ill.
 Knight, Joseph S.
 Meridian
 Knox, Baxter N., Jr.
 New Albany
 Koch, Harry E.
 Laurel
 Kuykendall, John M., Jr.
 Jackson
 Kuykendall, John M.
 Charleston
 Kyle, John W.
 Sardis
 Ladner, Hiram G., Jr.
 Ripley
 Lake, J. A., Jr.
 Greenville
 Lamar, E. L.
 Calhoun City
 Lamb, Lomax B., Jr.
 Marks
 Land, John R., Jr.
 Gulfport
 Landman, B. R.
 Jackson
 Landrum, Ralph
 Jackson
 Landrum, Roger C.
 Columbus
 Laub, S. B.
 Natchez
 Laughlin, Wm. F.
 Jackson
 Lawler, William J.
 San Francisco, Cal.
 Lawless, Michael H.
 Columbia
 Lawrence, T. J.
 Vicksburg
 Leak, H. C.
 Woodville
 Lee, Dan M.
 Jackson
 Lee, Gettys
 Booneville
 Lee, Harvey A.
 Rock Hill, S.C.
 Lee, Percy M.
 Forest
 Lee, Roy Noble
 Forest
 Leland, Edwin S.
 Gulfport

- Lenoir, James J.
 Athens, Ga.
 Levy, Nathan, Jr.
 Vicksburg
 Lindsey, Ewart G.
 Gulfport
 Lindsey, H. Lee
 Jackson
 Levingston, Alfred A.
 Cleveland
 Lewis, Clayton
 Philadelphia
 Lewis, M. A., Jr.
 Jackson
 Lewis, T. W., Jr.
 Columbus
 Lindholm, P. P.
 Lexington
 Lindsey, Edward
 Gulfport
 Lindsey, English
 Gulfport
 Lingle, H. B.
 Mobile
 Lipscomb, Hubert
 Jackson
 Lipscomb, L. P. B.
 Cleveland
 Livingston, Edward M.
 Louisville
 Livingston, Robert
 Prentiss
 Livingston, W. H.
 Prentiss
 Lloyd, Joseph W.
 Greenville
 Lloyd, Samuel T., Jr.
 Brookhaven
 Lobrano, J. R.
 Meridian
 Loerke, Carl F.
 Jackson
 Logan, R. F. B.
 Hernando
 Lomax, William A.
 Grenada
 London, Alvin N.
 Jackson
 Long, L. H.
 Jackson
 Long, S. H.
 Tupelo
 Longino, C. S.
 Clarksdale
 Loomer, John B.
 Yazoo City
 Lord, Richard Guy
 Meridian
 Lott, W. H.
 Greenwood
 Lott, Y. D., Jr.
 Mobile, Ala.
 Lotterhos, F. J.
 Jackson
 Love, John Clark
 Kosciusko
 Love, H. M., Jr.
 Yazoo City
 Love, James S., Jr.
 Biloxi
 Love, Robert T.
 Greenville
 Loving, B. H.
 West Point
 Lowe, J. T.
 Tunica
 Lowery, Stovall
 Clarksdale
 Lowery, J. T.
 Gloster
 Lowry, Ruffin T.
 Lafayette, La.
 Lucas, W. B.
 Macon
 Luckett, I. Semmes
 Clarksdale
 Luckett, William O.
 Clarksdale
 Lumpkin, Sam E.
 Tupelo
 Lumpkin, Hugh
 Hernando
 Ludlam, Warren V., Jr.
 Jackson
 Lyell, G. Garland
 Jackson
 Lyell, G. Garland, Jr.
 Jackson
 Lyon, Gordon L.
 Indianola
 Mackey, Joseph B.
 Brandon
 Madole, B. F.
 Shreveport, La.
 Magee, Shirley
 Monticello
 Magruder, A. F.
 Starkville
 Mansell, Magruder L.
 Jackson
 Majure, R. S.
 Newton
 Malone, Maurice L.
 Lucedale
 Malone, N. H.
 West Point
 Maloney, John P.
 Jackson
 Manship, Luther
 Jackson
 Maples, Luther W.
 Gulfport
 Marble, Roland D.
 Tylertown
 Marcus, Charles
 Chicago, Ill.
 Marsalis, O. M.
 Drew
 Marshall, Carl
 Gulfport
 Martin, Burkette H.
 Vicksburg
 Martin, G. L.
 Prentiss
 Martin, Jeff D., Jr.
 Raleigh
 Martin, L. L.
 Macon
 Martin, Lloyd L.
 Starkville
 Martin, Percy A.
 Dorsey
 Mansour, Philip
 Greenville
 Massey, Alton
 Kosciusko
 Massey, E. W.
 Booneville
 Mauldin, B. P.
 Pontotoc
 May, George W.
 Jackson
 May, Mrs. Rose P.
 Jackson
 May, Walter Dent
 Jackson
 Mayfield, Barton
 Mobile, Ala.
 Mayfield, J. B.
 Poplarville
 Maynard, Fletcher F.
 Clarksdale
 Maynard, G. F., Jr.
 Clarksdale
 Maynard, Wm. H.
 Clarksdale
 McBee, Richard C., Jr.
 Greenwood
 McCants, Allan
 Meridian
 McLaren, L. S.
 McComb
 McClellan, Thompson
 West Point
 McLendon, B. B.
 Jackson
 McClintock, George Thomas
 Jackson
 McClure, James, Jr.
 Sardis
 McCool, D. C.
 Canton
 McCraw, A. B.
 Philadelphia
 McCullen, Dan M.
 Jackson
 McCully, J. T.
 DeKalb
 McDade, Helen J.
 DeKalb
 McDill, Jack
 Laurel
 McDonald, Edward
 Meridian
 McDonald, Ewell J.
 Jackson
 McDonald, John Pink
 Tupelo

- McDonald, J. T.
 Meridian
 McDonnell, Howard A.
 Biloxi
 McDowell, Edward F.
 Jackson
 McElroy, T. H.
 Oxford
 McFarland, J. A.
 Bay Springs
 McFarland, Joe A., Jr.
 Bay Springs
 McFarland, Robert H.
 Bay Springs
 McGee, Roy J.
 Biloxi
 McGee, S. E.
 Jackson
 McGehee, Wm. F.
 Vicksburg
 McGehee, Dan R.
 Meadville
 McGehee, Harvey
 Jackson
 McGehee, Herman B. **Mayes**
 Meadville
 McGehee, James C.
 Bude
 McGlohn, Charles Lee
 Lucedale
 McGowan, M. M.
 Jackson
 McGough, W. M.
 Greenville
 McIlwain, W. L.
 Greenville
 McIlwain, Samuel D.
 Waynesboro
 McIntosh, Hugh, Jr.
 Collins
 McIntosh, L. K.
 Moss Point
 McIntyre, W. E.
 Brandon
 McIntyre, W. E., Jr.
 Brandon
 McKee, William Q.
 Starkville
 McKeigney, Alexander
 Jackson
 McKeigney, A. F.
 Eupora
 McKibben, Dale H.
 Water Valley
 McLain, W. G.
 McComb
 McLean, Geo. Hite
 Greenwood
 McLean, Mrs. Margaret
 Jackson
 McLellan, Miss Pearl
 Greenwood
 McLeod, D. A.
 Mt. Olive
 McLeod, O. L.
 Pascagoula
- McManus, Miss Dessie E.
 Jackson
 McMorrhough, G. H.
 Lexington
 McMullan, George K.
 Jackson
 McMurry, Pelham
 Paducah, Ky.
 McLendon, Frank W.
 Laurel
 McNutt, Robert N.
 Boston, Mass.
 McRae, Fred P.
 Jackson
 McRaney, A. W.
 Magee
 Meadow, R. B., Jr.
 Gulfport
 Meek, George D.
 Jackson
 Melton, Miss Louise
 Raymond
 Melvin, Leonard B.
 Laurel
 Melvin, Leonard B., Jr.
 Laurel
 Merrell, G. H.
 Collins
 Mhoon, W. L.
 Jackson
 Miller, Leighton S.
 Clarksdale
 Miller, J. Wesley
 Rolling Fork
 Miller, M. V. B.
 Meridian
 Miller, Raymond W.
 Washington, D. C.
 Milstead, Claude W.
 Jackson
 Minniece, Thomas Y.
 Meridian
 Minor, Jack B.
 Meridian
 Mirike, Don
 Houston, Tex.
 Mitchell, Chas. S.
 Pascagoula
 Mitchell, Ely B.
 Corinth
 Mitchell, Guy W.
 Tupelo
 Mitchell, Guy Wm., Jr.
 Tupelo
 Mitchell, Joe B.
 Corinth
 Mitchell, Milton H.
 Jackson
 Mitchell, Wm. P.
 Tupelo
 Mize, F. F.
 Forest
 Mize, Sidney C.
 Gulfport
 Mize, Webb
 Gulfport
- Moffitt, Martha Rose
 Chicago, Ill.
 Monaghan, Noel
 Tupelo
 Moncure, Mrs. Claribel H.
 Waco, Tex.
 Montgomery, Edmund W., II
 Jackson
 Montgomery, Gerald J.
 Greenwood
 Montgomery, Goode, Jr.
 Laurel
 Montgomery, M. B.
 Yazoo City
 Montgomery, Malcolm B., Jr.
 Yazoo City
 Montgomery, V. B.
 Belzoni
 Montgomery, W. G., Jr.
 Yazoo City
 Montjoy, Paul D., Jr.
 Greenwood
 Montjoy, W. H.
 Greenwood
 Moore, Alfred
 Hattiesburg
 Moore, Edward D.
 Jackson
 Moore, Joe A.
 Pascagoula
 Moore, Paul M.
 Calhoun City
 Moore, Robert S.
 Charlotte, N. C.
 Moore, Wilburn D.
 Philadelphia
 Morehead, Yenger
 Greenwood
 Morgan, C. E.
 Kosciusko
 Morgan, Clarence E., Jr.
 Kosciusko
 Morris, F. M.
 Hattiesburg
 Morris, Forrest M., Jr.
 Hattiesburg
 Morrison, H. L.
 Okolona
 Morse, J. M.
 Poplarville
 Morse, Joshua M., III
 Poplarville
 Morse, Standord E.
 Gulfport
 Morse, Wm. Eugene
 Jackson
 Mortimer, John A.
 Belzoni
 Morton, Perry W.
 Itta Bena
 Moseley, Ray V., Jr.
 Memphis, Tenn.
 Moss, J. O.
 Lucedale
 Mounger, Breed O.
 Tylertown

- Mounger, Henry
 Columbia
 Mounger, W. M.
 Jackson
 Moynihan, Humphrey C.
 Laurel
 Mueller, George A.
 Chicago, Ill.
 Murphy, Charles M., Jr.
 Belzoni
 Murphy, Williams S.
 Lucedale
 Murray, Harry K.
 Vicksburg
 Murray, J. C.
 Brandon
 Murray, Thomas A.
 Detroit, Mich.
 Murrell, George F.
 Gulfport
 Murry, W. V.
 Hattiesburg
 Nason, Robert E.
 Ackerman
 Nason, Will A.
 West Palm Beach, Fla.
 Neal, George S.
 Jackson
 Neely, William H.
 Jackson
 Neely, William T.
 Jackson
 Neill, J. C.
 North Carrollton
 Neill, W. C.
 North Carrollton
 Neilson, E. T.
 Lexington
 Nelson, A. M.
 Jackson
 Netterville, Robert L.
 Natchez
 Nettles, S. R.
 Meridian
 Nevels, Mrs. Alice
 Jackson
 Neville, G. B.
 Meridian
 Neville, Wm. deB.
 Meridian
 Newcomb, Hugo
 Jackson
 Newman, W. R., Jr.
 Jackson
 Newton, Robert S.
 Wiggins
 Nichols, James E.
 Vicksburg
 Nichols, Robert G., Jr.
 Jackson
 Nichols, R. L.
 Forest
 Nicols, W. B.
 Grenada
 Nix, Charles R.
 Jackson
- Noble, J. F., Sr.
 Brookhaven
 Noble, James F., Jr.
 Brookhaven
 Nobles, George R.
 Jackson
 Nobles, Roy P.
 Laurel
 North, L. G.
 Belzoni
 Norquist, S. Griffin
 Yazoo City
 Norris, Mrs. Mildred W.
 McComb
 Norsworthy, Clinch C., III
 Jackson
 North, Linton D.
 Belzoni
 Nunnally, Thomas B.
 Fulton
 Nunnery, Herbert
 Jackson
 Nunnery, Paul N.,
 Hollandale
 Oates, O. M.
 Bay Springs
 O'Barr, Walter M.
 Okolona
 Odom, H. T.
 Greenwood
 Odom, Tillie
 Jackson
 Odom, William H.
 Laurel
 O'Donnell, David E.
 Inverness
 Ogdon, J. N.
 Mobile, Ala.
 O'Mara, Junior
 Jackson
 Ormond, Seahorn E.
 Jackson
 Osborne, Roy L.
 Ocean Springs
 Ortte, Mrs. Evelyn
 Marietta, Ga.
 Overstreet, N. W., Jr.
 Jackson
 Owen, Benjamin L.
 Columbia
 Owen, Harry D.
 Jackson
 Owens, H. S.
 Jackson
 Owings, William R.
 Gulfport
 Pacific, Larry A.
 Laurel
 Pack, Samuel V.
 Laurel
 Paine, Tom F.
 Aberdeen
 Palmer, Merle F.
 Pascagoula
 Palmer, Owen T., Jr.
 Gulfport
- Palmes, G. V.
 Washington, D. C.
 Parker, H. H.
 Poplarville
 Parker, James E.
 Meridian
 Parker, Percy F.
 Canton
 Patterson, Albert T.
 Calhoun City
 Patterson, C. F.
 Natchez
 Patterson, E. B.
 Monticello
 Patterson, J. P.
 Monticello
 Patterson, James N.
 Monticello
 Patterson, Joe T.
 Jackson
 Patterson, William R.
 Jackson
 Patton, Fred B.
 Oxford
 Patton, Wright
 New Orleans, La.
 Pavlik, Louis A.
 Brookhaven
 Pegram, T. E.
 Ripley
 Pegram, Thomas E., Jr.
 Ripley
 Penny, John L.
 Jackson
 Perkins, John E.
 Baton Rouge, La.
 Perry, Marshall
 Grenada
 Perry, Robert E.
 Jackson
 Petet, Porter
 Greenwood
 Peterson, M. J.
 Laurel
 Petty, R. J.
 Greenwood
 Peyton, F. Lewis
 Jackson
 Phillips, Chas. W.
 Baton Rouge, La.
 Phillips, John A.
 Macon
 Phillips, O. W.
 Magnolia
 Phillips, Robert P.
 Brookhaven
 Phillips, Walter J.
 Bay St. Louis
 Pickens, Roy Z.
 Greenville
 Pierce, M. F.
 Greenwood
 Pierce, W. W.
 Jackson
 Pigford, Howard R.
 Meridian

- Pilgrim, M. A.
 Jackson
 Pinnix, James A.
 Amory
 Pittman, Claude F.
 Hattiesburg
 Pittman, Claude F., Jr.
 Hattiesburg
 Pittman, Homer
 Hattiesburg
 Pittman, Luther D.
 Raleigh
 Poitevent, Schuyler, Jr.
 Ocean Springs
 Pollard Chas. A.
 Greenwood
 Pollard, R. V., Jr.
 Greenwood
 Pollard, R. V.
 Greenwood
 Poole, John R.
 Jackson
 Poole, M. H.
 Liberty
 Pope, Henry E.
 Columbia
 Pope, Moran M., Jr.
 Hattiesburg
 Porter, Miss Frances
 Jackson
 Porter, L. B.
 Union
 Powell, Robert H.
 Canton
 Powell, Robert H., Jr.
 Canton
 Powers, William C.
 Holly Springs
 Pratt, Walter F.
 Jackson
 Preston, John B.
 Glasgow, Ky.
 Pressler, H. P., Jr.
 Houston, Tex.
 Prewitt, John W.
 Vicksburg
 Price, J. H.
 Indianola
 Price, John H., Jr.
 Indianola
 Price, J. H., Jr.
 Magnolia
 Price, James W.
 Oxford
 Price, Kenneth G.
 McComb
 Price, Mrs. Zelma W.
 Greenville
 Pringle, Victor B.
 Biloxi
 Prisock, Neal
 Louisville
 Prisock, Lee V.
 Jackson
 Prisock, Robert
 Philadelphia
- Provine, B. B., Jr.
 Greenwood
 Provine, Leon E.
 Grenada
 Prude, James O., III
 Amory
 Prude, J. L.
 Tampa, Fla.
 Purser, Mrs. Elsie C.
 Brookhaven
 Purser, Robert L.
 Jackson
 Purvis, Charles G.
 Purvis
 Purvis, Zulah M.
 Washington, D. C.
 Puryear, L. P.
 Senatobia
 Putnam, John M.
 Jackson
 Pyle, L. A.
 Jackson
 Pyles, Dixon
 Jackson
 Quinn, David M., Jr.
 Indianola
 Quin, Billy H.
 Vicksburg
 Quinn, L. Percy
 Jackson
 Quin, O. B., III
 Jackson
 Rabb, Lawrence W., Jr.
 Lexington
 Raley, James W.
 Biloxi
 Ramsey, W. W.
 Vicksburg
 Rankin, John E.
 Tupelo
 Raphael, Eugene J.
 Greenville
 Ratcliff, Kalford C.
 Laurel
 Ratliff, P. D.
 Raymond
 Ratcliffe, C. L.
 Natchez
 Ratcliff, E. H.
 Natchez
 Rather, George H.
 Holly Springs
 Rawls, H. C.
 Columbia
 Ray, Bob
 Jackson
 Ray, H. M.
 Rienzi
 Ray, Tip
 Canton
 Rausch, Erwin J.
 Abita Springs, La.
 Rayburn, Kendall G.
 Pontotoc
 Reed, W. C., Jr.
 Jackson
- Reese, Andrew, Jr.
 Quitman
 Reeves, R. B.
 McComb
 Reich, Frank L.
 Louisville
 Reid, Joseph S., Jr.
 Natchez
 Reynolds, Boyd H.
 Los Angeles, Cal.
 Rhodes, John Sivley
 Jackson
 Rice, Greek L.
 Jackson
 Richmond, Charles C.
 New York, N. Y.
 Ricketts, Barron C.
 Jackson
 Riddell, J. A.
 Meridian
 Riddell, Tally D.
 Quitman
 Ridgway, C. R., Jr.
 Jackson
 Ridgway, W. B.
 Jackson
 Riley, J. Kenneth
 Monticello
 Ringold, Mae S.
 Winona
 Ringold, Rupert
 Winona
 Riser, Robert T.
 Batesville
 Roach, J. Gordon
 McComb
 Robbins, W. E.
 Jackson
 Roberts, W. G.
 Jackson
 Roberson, Sted Hill
 Clarksdale
 Roberson, J. Lake
 Clarksdale
 Roberson, R. Earl
 Mobile, Ala.
 Roberts, Bramlett
 Oxford
 Roberts, M. M.
 Hattiesburg
 Roberts, Robert P., Jr.
 Jackson
 Roberts, Owen
 Brookhaven
 Roberts, W. C.
 Rosedale
 Robertshaw, James
 Greenville
 Robertson, J. A., Jr.
 Liberty
 Robertson, Stokes V.
 Jackson
 Robertson, Stokes V., Jr.
 Jackson
 Robinson, Sidney A., Jr.
 Jackson

- Roderick, Mrs. Walterrene
Greenville
- Rodgers, Henry L.
Louisville
- Roebuck, S. T.
Newton
- Rogers, Cecil A.
Meridian
- Rogers, Fred
Meridian
- Rogers, Shelby R.
Jackson
- Rollings, Robert H.
Hattiesburg
- Ross, Fred A.
Meridian
- Ross, H. E., Jr.
New Orleans, La.
- Ross, Harvey T.
Clarksdale
- Ross, J. C.
Gulfport
- Ross, Jim Buck
Pelahatchie
- Ross, Quitman
Laurel
- Ross, Tom T.
Clarksdale
- Ross, William M.
Starkville
- Rotwein, Abe A.
Jackson
- Rowe, Johnston S.
Ft. Worth, Tex.
- Rowe, Vernon D., Jr.
Winona
- Ruff, D. T.
Lexington
- Rush, Orville F.
Washington, D. C.
- Russ, Roderick S., Jr.
Jackson
- Russell, Bernicce
Memphis, Tenn.
- Russell, Glover A.
Clarksdale
- Russell, Ted
Yazoo City
- Russell, D. M.
Gulfport
- Russell, Dan M., Jr.
Bay St. Louis
- Russell, Geo. Ramsey
Greenville
- Russell, R. C.
Magee
- Rutledge, Robert M.
Jackson
- Rutledge, William K.
Vicksburg
- Rybak, William C.
Bethlehem, Pa.
- Rylee, Miss Willie Yeates
Washington, D. C.
- Sack, Lester M.
Clarksdale
- Sadler, David
Jackson
- Sams, J. O.
Columbus
- Sams, L. F.
Meridian
- Sanders, John Stansbury
Indianola
- Sanford, W. H.
Philadelphia
- Sasser, J. H.
Carthage
- Satterfield, John C.
Jackson
- Saul, L. K.
Ellisville
- Savage, John W.
Gulfport
- Scales, Clarence R.
Jackson
- Scanlon, Leo J.
Jackson
- Schwan, Jules A.
Biloxi
- Schweizer, George J., Jr.
Greenville
- Scott, A. S.
Laurel
- Scott, Walter A., Jr.
Jackson
- Scott, Charlie
Jackson
- Scott, Tom B., Jr.
Jackson
- Seale, J. Eugene, Jr.
Meridian
- Searcy, W. P.
Jackson
- Seamen, Harold M.
Pascagoula
- Seay, Clanton
Jackson
- Shackleford, R. H.
Canton
- Shanahan, Frank E., Jr.
Jackson
- Shands, Douglas D.
Tupelo
- Shands, Dugas
Cleveland
- Shanks, Jesse W.
Purvis
- Shappeley, W. L.
Jackson
- Sharpe, Wm. L.
Corinth
- Shaw, George E.
Jackson
- Shell, Dan H.
Jackson
- Shelton, A. G.
Birmingham, Ala.
- Shelton, Ernest L.
Jackson
- Shelton, L. Leon
Jackson
- Sherman, Abe
Clarksdale
- Sherrill, Hugh V.
New York, N. Y.
- Shields, C. D.
Meridian
- Shirley, J. E.
Quitman
- Shivers, J. C.
Poplarville
- Shoemaker, N. R.
Jackson
- Shows, Walter L.
Jackson
- Shumate, James F., Jr.
Meridian
- Siegel, Zelda
Sunflower
- Sievers, Laurance J.
Greenville
- Sillers, Walter, Jr.
Rosedale
- Simmons, D. J.
Pascagoula
- Simmons, Hansford, L.
McComb
- Simmons, J. U.
Gulfport
- Simmons, W. W.
Cleveland
- Simpson, S. J.
Winona
- Simrall, James, Jr.
Hattiesburg
- Sims, John F. S.
Columbus
- Sims, W. L.
Columbus
- Sims, William L., Jr.
Rayville, La.
- Singley, Henry P.
Columbia
- Singley, James T.
Meridian
- Skinner, J. E.
Jackson
- Slaymaker, William H.
Jackson
- Smallwood, R. L., Jr.
Oxford
- Smith, Bonnie
Collins
- Smith, Burris O.
Louisville
- Smith, James E.
Carthage
- Smith, C. C.
Richton
- Smith, Floyd P.
Jackson
- Smith, Fred B.
Ripley
- Smith, George R.
Gulfport
- Smith, George Rockwell
Pratt, Kan.

- Smith, G. Spencer
 Gulfport
 Smith, John T.
 Jackson
 Smith, John T.
 Cleveland
 Smith, Joseph J., Jr.
 Washington, D. C.
 Smith, Lemuel A., Sr.
 Jackson
 Smith, Lemuel A., Jr.
 Holly Springs
 Smith, L. O., Jr.
 Jackson
 Smith, Luther A.
 Hattiesburg
 Smith, O. R.
 Corinth
 Smith, Robert B.
 Ripley
 Smith, Sydney A., Jr.
 Jackson
 Smith, W. LaValle
 Meridian
 Smythe, Arnold
 Batesville
 Snow, Charles B.
 Jackson
 Snow, E. L.
 Meridian
 Solomon, Earl
 Greenville
 Somerville, Abe D.
 Cleveland
 Sparkman, A. B.
 Cleveland
 Spearman, Paul D. P.
 Washington, D. C.
 Spence, Lee R.
 Jackson
 Spencer, James L.
 Jackson
 Spinks, Louie P.
 DeKalb
 Spivey, L. G.
 Canton
 Spivey, R. E.
 New Orleans, La.
 Stainton, R. L.
 Jackson
 Stamper, H. G.
 Union
 Stapleton, Henry C.
 Biloxi
 Statham, Billy D.
 Magnolia
 Staton, E. E.
 Hattiesburg
 Steele, Lottie M.
 Jackson
 Steele, R. Horace
 Jackson
 Steel, Talbot
 Mobile, Ala.
 Steen, R. E.
 Picayune
- Stennett, E. W.
 Jackson
 Stennett, J. C.
 Jackson
 Stennis, J. D., Jr.
 Biloxi
 Stennis, John C.
 DeKalb
 Stennis, J. P.
 Macon
 Stephens, Edgar J., Jr.
 New Albany
 Stevens, Ben
 Hattiesburg
 Stevens, Joseph H.
 Hattiesburg
 Stevens, J. M.
 Jackson
 Stevens, Phineas
 Jackson
 Stewart, Ray M.
 Picayune
 Stirling, Carter
 Jackson
 Stirling, J. B.
 Jackson
 Stoaks, Du Val
 Oak Ridge, Tenn.
 Stockdale, C. LeRoy
 Jackson
 Stockett, Peter M.
 Woodville
 Stockstill, J. E.
 Picayune
 Stockton, James M.
 Jackson
 Stone, Douglas C.
 Columbus
 Stone, H. R.
 Decatur
 Stone, Hoke
 Lambert
 Stone, John E.
 Jackson
 Stone, J. P.
 Coffeeville
 Stone, Phil
 Oxford
 Stone, Van D.
 Lambert
 Stone, W. I.
 Coffeeville
 Stoner, Alfred
 Greenwood
 Stovall, Carey
 Corinth
 Stovall, Richard B.
 Jackson
 Stovall, R. C.
 Columbus
 Strange, E. T.
 Meridian
 Stratton, Asa Graham
 Liberty
 Stratton, F. W.
 Liberty
- Stratton, R. E., III
 Brookhaven
 Straus, Fritz
 Los Angeles, Cal.
 Strayhan, Harvey L.
 Jackson
 Street, George Martin
 Oxford
 Street, Orbreay
 Ripley
 Street, Oscar F.
 Ripley
 Stribling, Dees
 Philadelphia
 Stricker, V. J., Jr.
 Jackson
 Stricker, V. J.
 Jackson
 Stringer, A. C.
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